

By:



S.B. No. 1451

A BILL TO BE ENTITLED

AN ACT

relating to the management of groundwater resources in the state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (c), Section 35.009, Water Code, is amended to read as follows:

(c) The commission shall also give written notice of the date, time, place, and purpose of the hearing to each state senator and state representative who represents any part of the area proposed for designation as a priority groundwater management area and the governing body of each county, regional water planning group, adjacent groundwater district, municipality, river authority, water district, or other entity which supplies public drinking water, including each holder of a certificate of convenience and necessity issued by the commission, and of each irrigation district, located either in whole or in part in the priority groundwater management area or proposed priority groundwater management area. The notice must be given before the 30th day preceding the date set for the hearing.

SECTION 2. Section 36.111, Water Code, is amended to read as follows:

Sec. 36.111. RECORDS AND REPORTS. A [~~The~~] district shall require that records be kept and reports be made of the drilling, equipping, and completing of water wells and of the production and use of groundwater. A district by rule may establish that the

____.B. No. ____

1 records and reports required by the Texas Department of Licensing
2 and Regulation under its rules or Chapter 1901, Occupations Code,
3 satisfy the requirements of this section.

4 SECTION 3. Section 36.112, Water Code, is amended to read as
5 follows:

6 Sec. 36.112. DRILLERS' LOGS. A district shall require that
7 accurate drillers' logs be kept of water wells and that copies of
8 drillers' logs and electric logs be filed with the district. A
9 district by rule may establish that the drillers' logs required by
10 the Texas Department of Licensing and Regulation under its rules or
11 Chapter 1901, Occupations Code, satisfy the requirements of this
12 section.

13 SECTION 4. Subsection (b), Section 36.117, Water Code, is
14 amended to read as follows:

15 (b) A district may not require any permit issued by the
16 district for:

17 (1) a well used solely for domestic use or for
18 providing water for livestock or poultry on a tract of land larger
19 than 10 acres that is either drilled, completed, or equipped so that
20 it is incapable of producing more than 25,000 gallons of
21 groundwater a day;

22 (2) the drilling of a water well used solely to supply
23 water for a rig that is actively engaged in drilling or exploration
24 operations for an oil or gas well permitted by the Railroad
25 Commission of Texas provided that the person holding the permit is
26 responsible for drilling and operating the water well and the well
27 is located on the same lease or field associated with the drilling

____.B. No. ____

1 rig; [~~or~~]

2 (3) the drilling of a water well authorized under a
3 permit issued by the Railroad Commission of Texas under Chapter
4 134, Natural Resources Code, or for production from such a well to
5 the extent the withdrawals are required for mining activities
6 regardless of any subsequent use of the water; or

7 (4) a monitoring well, as defined by Section 1901.001,
8 Occupations Code.

9 SECTION 5. Subsection (a), Section 36.157, Water Code, is
10 amended to read as follows:

11 (a) A district may pay all costs and expenses necessarily
12 incurred in the creation and organization of a district, including
13 legal fees and other incidental expenses, and may reimburse any
14 person or governmental entity, including a county, for money
15 advanced for these purposes.

16 SECTION 6. This Act takes effect September 1, 2005.

BILL ANALYSIS

Senate Research Center

S.B. 1451
By: Averitt
Natural Resources
4/18/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law does not require notice of priority groundwater management area designation to state legislators. It does not explicitly provide that one set of driller's logs can satisfy both the Texas Department of Licensing and Regulation's (TDLR) requirements and those of the groundwater conservation district (district). State law authorizes individual persons to loan funds to districts for creation and organization, but does not provide that a county or governmental entity is authorized to loan funds for this purpose.

As proposed, S.B. 1451 amends Chapters 35 and 36, Water Code, to update and clarify certain provisions related the management of groundwater resources in this state, including consistency between statutes governing districts and TDLR rules governing licensed water well drillers.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to a groundwater management district in SECTION 2 (Section 36.111, Water Code) and SECTION 3 (Section 36.112, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 35.009(c), Water Code, to require the Texas Environmental Quality Commission (TCEQ) to give written notice of specific information pertaining to a hearing to each state senator and state representative who represents any part of the area proposed for designation as a priority groundwater management area and other specific entities.

SECTION 2. Amends Section 36.111, Water Code, to authorize a groundwater management district (district), by rule, to establish that the records and reports required by the Texas Department of Licensing and Regulation (TDLR) under its rules or Chapter 1901 (Water Well Drillers), Occupations Code, satisfy the requirements of this section.

SECTION 3. Amends Section 36.112, Water Code, to authorize a district, by rule, to establish that the drillers' logs required by the TDLR under its rules or Chapter 1901, Occupations Code, satisfy the requirements of this section.

SECTION 4. Amends Section 36.117(b), Water Code, to prohibit a district from requiring any permit issued for a monitoring well, as defined by Section 1901.001 (Definitions), Occupations Code.

SECTION 5. Amends Section 36.157(a), Water Code, to authorize a district to pay all costs and expenses necessarily incurred in the creation and organization of a district, and to reimburse any person or governmental entity, including a county, for money advanced for these purposes.

SECTION 6. Effective date: September 1, 2005.

pc
1-1 By: Averitt S.B. No. 1451
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 May 3, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; May 3, 2005, sent
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1451 By: Jackson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the management of groundwater.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 35.009, Water Code, is amended by
1-13 amending Subsection (c) and adding Subsection (d) to read as
1-14 follows:

1-15 (c) The commission shall also give written notice of the
1-16 date, time, place, and purpose of the hearing to:

1-17 (1) each state senator and state representative who
1-18 represents any part of the area proposed for designation as a
1-19 priority groundwater management area; and

1-20 (2) the governing body of each county, regional water
1-21 planning group, adjacent groundwater district, municipality, river
1-22 authority, water district, or other entity which supplies public
1-23 drinking water, including each holder of a certificate of
1-24 convenience and necessity issued by the commission, and of each
1-25 irrigation district, located either in whole or in part in the
1-26 priority groundwater management area or proposed priority
1-27 groundwater management area.

1-28 (d) The notice required under Subsection (c) must be given
1-29 before the 30th day preceding the date set for the hearing.

1-30 SECTION 2. Sections 36.111 and 36.112, Water Code, are
1-31 amended to read as follows:

1-32 Sec. 36.111. RECORDS AND REPORTS. (a) A [The] district
1-33 shall require that records be kept and reports be made of the
1-34 drilling, equipping, and completing of water wells and of the
1-35 production and use of groundwater.

1-36 (b) A district by rule may establish that the records and
1-37 reports required under Texas Commission of Licensing and Regulation
1-38 rules or under Chapter 1901, Occupations Code, satisfy the
1-39 requirements of Subsection (a).

1-40 Sec. 36.112. DRILLERS' LOGS. (a) A district shall require
1-41 that accurate drillers' logs be kept of water wells and that copies
1-42 of drillers' logs and electric logs be filed with the district.

1-43 (b) A district by rule may establish that the well log
1-44 required under Texas Commission of Licensing and Regulation rules
1-45 or under Chapter 1901, Occupations Code, satisfies the requirements
1-46 of Subsection (a).

1-47 SECTION 3. Subsection (a), Section 36.157, Water Code, is
1-48 amended to read as follows:

1-49 (a) A district may pay all costs and expenses necessarily
1-50 incurred in the creation and organization of a district, including
1-51 legal fees and other incidental expenses, and may reimburse any
1-52 person, including a county, for money advanced for these purposes.

1-53 SECTION 4. This Act takes effect September 1, 2005.

1-54 * * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

SB SCR SJR SB HB HCR HJR 1451
By Q. VenH
(Author/Senate Sponsor)
5-3-05
(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure,
have on 4/28/05, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☐ the caption remained the same as original measure
☒ the caption changed with adoption of the substitute
☐ do pass as substituted, and be ordered not printed
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Armbrister, Chair	<input checked="" type="checkbox"/>			
Senator Jackson, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Barrientos	<input checked="" type="checkbox"/>			
Senator Duncan			<input checked="" type="checkbox"/>	
Senator Estes	<input checked="" type="checkbox"/>			
Senator Fraser	<input checked="" type="checkbox"/>			
Senator Hinojosa			<input checked="" type="checkbox"/>	
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Madla	<input checked="" type="checkbox"/>			
Senator Seliger	<input checked="" type="checkbox"/>			
Senator Staples			<input checked="" type="checkbox"/>	
TOTAL VOTES	8	0	3	0

COMMITTEE ACTION

- ☒ S260 Considered in public hearing
☒ S270 Testimony taken

Wolfgang C. Geller
COMMITTEE CLERK

Karl Quintana
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

WITNESS LIST

SB 1451

SENATE COMMITTEE REPORT

Natural Resources

April 19, 2005 - 1:30PM

FOR: Houston, Jace (Hariris - Galveston Coastal Sussidence District), Friendwood, TX

BILL ANALYSIS

Senate Research Center
79R12649 HLT-D

S.B. 1451
By: Averitt
Natural Resources
4/22/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law does not require notice of priority groundwater management area designation to state legislators. It does not explicitly provide that one set of driller's logs can satisfy both the Texas Commission of Licensing and Regulation's (commission) requirements and those of the groundwater conservation district (district). State law authorizes individual persons to loan funds to districts for creation and organization, but does not provide that a county or governmental entity is authorized to loan funds for this purpose.

C.S.S.B. 1451 amends Chapters 35 and 36, Water Code, to update and clarify certain provisions related the management of groundwater resources in this state, including consistency between statutes governing districts and commission rules governing licensed water well drillers.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to a groundwater management district in SECTION 2 (Sections 36.111 and 36.112, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 35.009, Water Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Requires the Texas Environmental Quality Commission (TCEQ) to give written notice of specific information pertaining to a hearing to each state senator and state representative who represents any part of the area proposed for designation as a priority groundwater management area and other specific entities.

(d) Requires the notice required under Subsection (c) to be given before the 30th day preceding the day set for the hearing.

SECTION 2. Amends Sections 36.111 and 36.112, Water Code, as follows:

Sec. 36.111. RECORDS AND REPORTS. (a) Creates this subsection from existing text.

(b) Authorizes a groundwater management district (district), by rule, to establish that the records and reports required under Texas Commission of Licensing and Regulation (commission) under its rules or Chapter 1901 (Water Well Drillers), Occupations Code, satisfy the requirements of Subsection (a).

Sec. 36.112. DRILLERS' LOGS. (a) Creates this subsection from existing text.

(b) Authorizes a district, by rule, to establish that the well logs required by the commission under its rules or Chapter 1901, Occupations Code, satisfy the requirements of Subsection (a).

SECTION 3. Amends Section 36.157(a), Water Code, to authorize a district to pay all costs and expenses necessarily incurred in the creation and organization of a district, and to reimburse any person, including a county, for money advanced for these purposes.

SECTION 4. Effective date: September 1, 2005.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 3, 2005

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1451 by Averitt (Relating to the management of groundwater.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code to require the Texas Commission on Environmental Quality to add each state senator and state representative who represents a part of an area proposed for designation as a priority groundwater management area to the list of those to whom the agency provides written notice of a hearing. In addition, the bill would make administrative changes to the operations of a groundwater conservation district.

The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DLBa

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 18, 2005

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1451 by Averitt (Relating to the management of groundwater resources in the state.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code to require the Texas Commission on Environmental Quality to add each state senator and state representative who represents a part of an area proposed for designation as a priority groundwater management area to the list of those to whom the agency provides written notice of a hearing. In addition, the bill would make administrative changes to the operations of a groundwater conservation district.

The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DLBa

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that SB 1451, by Averitt,
(Bill No.) (Author/Sponsor)

was heard by the Committee on Natural Resources on 4/28,
2005,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Kelly C. Gilbert
(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

ADOPTED

as amended

MAY 12 2005

28-3
Letai Law
Secretary of the Senate

By: Averitt

S.B. No. 1451

Substitute the following for S.B. No. 1451:

By: [Signature]

C.S.S.B. No. 1451

A BILL TO BE ENTITLED

AN ACT

relating to the management of groundwater.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION ⁶~~Y~~. Section 35.009, Water Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The commission shall also give written notice of the date, time, place, and purpose of the hearing to:

(1) each state senator and state representative who represents any part of the area proposed for designation as a priority groundwater management area; and

(2) the governing body of each county, regional water planning group, adjacent groundwater district, municipality, river authority, water district, or other entity which supplies public drinking water, including each holder of a certificate of convenience and necessity issued by the commission, and of each irrigation district, located either in whole or in part in the priority groundwater management area or proposed priority groundwater management area.

(d) The notice required under Subsection (c) must be given before the 30th day preceding the date set for the hearing.

SECTION ¹⁵~~Y~~. Sections 36.111 and 36.112, Water Code, are amended to read as follows:

Sec. 36.111. RECORDS AND REPORTS. (a) A ~~The~~ district

1 shall require that records be kept and reports be made of the
2 drilling, equipping, and completing of water wells and of the
3 production and use of groundwater.

4 (b) A district by rule may establish that the records and
5 reports required under Texas Commission of Licensing and Regulation
6 rules or under Chapter 1901, Occupations Code, satisfy the
7 requirements of Subsection (a).

8 Sec. 36.112. DRILLERS' LOGS. (a) A district shall require
9 that accurate drillers' logs be kept of water wells and that copies
10 of drillers' logs and electric logs be filed with the district.

11 (b) A district by rule may establish that the well log
12 required under Texas Commission of Licensing and Regulation rules
13 or under Chapter 1901, Occupations Code, satisfies the requirements
14 of Subsection (a).

Insert
F.A.#2
15 SECTION 19 Subsection (a),
SECS. 16-18 16-18 SECTION 36.157, Water Code, is amended to
16 read as follows:

17 (a) A district may pay all costs and expenses necessarily
18 incurred in the creation and organization of a district, including
19 legal fees and other incidental expenses, and may reimburse any
20 person, including a county, for money advanced for these purposes.

21 SECTION 40. This Act takes effect September 1, 2005.

- (1) - F.A.#2 (D) SECS 20-22
- (2) - F.A.#1 (B) SEC 23
- (3) - F.A.#3 SEC 24
- (4) - F.A.#1 (A) SECS 25-28
- (5) F.A.#2 (E) SECS 29-38
- (6) F.A.#1 (C) SEC 39

ADOPTED

MAY 12 2005

FLOOR AMENDMENT NO. 1

Secretary of the Senate

Atty. Gen.
Secretary of the Senate

Madler

Amend C.S.S.B. No. 1451 by inserting the following appropriately numbered sections and renumbering the subsequent sections of the bill accordingly:

SECTION 25. Subchapter D, Chapter 11, Natural Resources Code, is amended by adding Section 11.087 to read as follows:

Sec. 11.087. PROHIBITION ON EXPORTATION OF GROUNDWATER PRODUCED FROM STATE-OWNED LAND. A person may not export from this state to a foreign country groundwater produced from state-owned land.

SECTION 26. Section 32.012, Natural Resources Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The board is composed of:

(1) the commissioner;

(2) a citizen of the state appointed by the governor with the advice and consent of the senate; ~~and~~

(3) a citizen of the state appointed by the attorney general with the advice and consent of the senate;

(4) a citizen of the state appointed by the lieutenant governor; and

(5) a citizen of the state appointed by the governor with the advice and consent of the senate from a list of nominees submitted by the speaker of the house of representatives.

(d) In making an appointment under Subsection (a)(5), the governor may reject one or more of the nominees on a list submitted by the speaker of the house of representatives and request a new list of different nominees.

SECTION 27. Section 51.121, Natural Resources Code, is amended by adding Subsections (f) and (g) to read as follows:

F. 4. #1 (A)

(b) Notwithstanding Subsection (a), the commissioner may not lease unsold public school land under this subchapter for a term of more than 10 years or for an indefinite term unless the board approves the lease.

(g) Notwithstanding Subsection (a), the commissioner may not lease the right to produce groundwater from unsold public school land. A lease of the right to produce groundwater from unsold public school land is governed by Section 51.132.

SECTION 28³. Subchapter D, Chapter 51, Natural Resources Code, is amended by adding Section 51.132 to read as follows:

Sec. 51.132. LEASE OF RIGHT TO PRODUCE GROUNDWATER. (a) The board may lease the right to produce groundwater from unsold public school land only as provided by this section. The other provisions of this subchapter apply to leases entered into under this section to the extent those provisions do not conflict with this section or Section 51.121(g).

(b) The board shall adopt clear and detailed rules governing the lease of the right to produce groundwater from unsold public school land. The rules must require:

(1) each regional water planning group and groundwater conservation district in whose jurisdiction the land is located to be notified when the board receives a proposal to lease the right to produce groundwater from the land;

(2) the lease contract to be negotiated by the board;

(3) the lessee to comply with:

(A) the rules and permitting requirements of any groundwater conservation district in which the land is located; and

(B) all state and local laws and rules;

(4) the right to produce groundwater from land to be leased separately from oil and gas rights; and

(5) a lease proposal submitted by a political

F.4.1 (A)

subdivision of this state to include a letter of interest, approved by the governing body of the political subdivision, that includes:

(A) an estimated total daily and annual amount of water to be produced under the lease;

(B) any requirements of the political subdivision regarding water quality;

(C) a time frame for delivery of the water;

(D) an estimated delivered price for the water;

and

(E) a statement that the political subdivision commits to act in compliance with all state and local laws and rules.

(c) Before filing notice of the proposed rules with the secretary of state for publication in the Texas Register, the board must notify the attorney general, Parks and Wildlife Department, Texas Commission on Environmental Quality, Texas Water Development Board, and Department of Agriculture and each member of the legislature that notice of the proposed rules will be published.

(d) A lease of the right to produce groundwater from unsold public school land must be awarded through competitive bidding unless:

(1) the lessee is a political subdivision of this state or an end user of the water; or

(2) the lease entitles the lessee to produce less than 125,000 gallons of water per day.

SECTION 23. Subchapter C, Chapter 66, Education Code, is amended by adding Section 66.46 to read as follows:

Sec. 66.46. LEASE OF RIGHT TO PRODUCE GROUNDWATER. A lease of the right to produce groundwater from lands set aside and appropriated to, or acquired by, the permanent university fund must be awarded through competitive bidding unless:

F.A.# 1 (13) can't

(1) the lessee is a political subdivision of this state or an end user of the water; or

(2) the lease entitles the lessee to produce less than 125,000 gallons of water per day.

SECTION ____ Subsections (c) and (e), Section 16.053, Water Code, are amended to read as follows:

(c) No later than 60 days after the designation of the regions under Subsection (b), the board shall designate representatives within each regional water planning area to serve as the initial coordinating body for planning. The initial coordinating body may then designate additional representatives to serve on the regional water planning group. The initial coordinating body shall designate additional representatives if necessary to ensure adequate representation from the interests comprising that region, including the public, counties, municipalities, industries, agricultural interests, environmental interests, small businesses, electric generating utilities, river authorities, water districts, and water utilities. The regional water planning group shall maintain adequate representation from those interests. In addition, representatives of the board, the Parks and Wildlife Department, and the Department of Agriculture shall serve as ex officio members of each regional water planning group. If a regional water planning area includes land dedicated to the permanent university fund, the executive director of University Lands--West Texas Operations serves as a nonvoting member of the regional water planning group for that area.

(e) Each regional water planning group shall submit to the board a regional water plan that:

(1) is consistent with the guidance principles for the state water plan adopted by the board under Section 16.051(d);

(2) provides information based on data provided or

1 approved by the board in a format consistent with the guidelines
2 provided by the board under Subsection (d);

3 (3) identifies:

4 (A) each source of water supply in the regional
5 water planning area in accordance with the guidelines provided by
6 the board under Subsections (d) and (f);

7 (B) factors specific to each source of water
8 supply to be considered in determining whether to initiate a
9 drought response; and

10 (C) actions to be taken as part of the response;

11 (4) has specific provisions for water management
12 strategies to be used during a drought of record;

13 (5) includes but is not limited to consideration of
14 the following:

15 (A) any existing water or drought planning
16 efforts addressing all or a portion of the region;

17 (B) certified groundwater conservation district
18 management plans and other plans submitted under Section 16.054;

19 (C) all potentially feasible water management
20 strategies, including but not limited to improved conservation,
21 reuse, and management of existing water supplies, acquisition of
22 available existing water supplies, and development of new water
23 supplies, including, if appropriate, groundwater produced from

24 land dedicated to the permanent school fund or permanent university
25 fund;

26 (D) protection of existing water rights in the
27 region;

28 (E) opportunities for and the benefits of
29 developing regional water supply facilities or providing regional
30 management of water supply facilities;

31 (F) appropriate provision for environmental

1 water needs and for the effect of upstream development on the bays,
2 estuaries, and arms of the Gulf of Mexico and the effect of plans on
3 navigation;

4 (G) provisions in Section 11.085(k)(1) if
5 interbasin transfers are contemplated;

6 (H) voluntary transfer of water within the region
7 using, but not limited to, regional water banks, sales, leases,
8 options, subordination agreements, and financing agreements; and

9 (I) emergency transfer of water under Section
10 11.139, including information on the part of each permit, certified
11 filing, or certificate of adjudication for nonmunicipal use in the
12 region that may be transferred without causing unreasonable damage
13 to the property of the nonmunicipal water rights holder;

14 (6) identifies river and stream segments of unique
15 ecological value and sites of unique value for the construction of
16 reservoirs that the regional water planning group recommends for
17 protection under Section 16.051;

18 (7) assesses the impact of the plan on unique river and
19 stream segments identified in Subdivision (6) if the regional water
20 planning group or the legislature determines that a site of unique
21 ecological value exists; and

22 (8) describes the impact of proposed water projects on
23 water quality.

24 SECTION 39. The lieutenant governor and the governor shall
25 make appointments to the School Land Board under Section 32.012,
26 Natural Resources Code, as amended by this Act, as soon as possible
27 after the effective date of this Act. Each member's term expires
28 August 31, 2007.

ADOPTED

MAY 12 2005

Atty. Gen.
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: *Ken Bernstein*

Amend C.S.S.B. No. 1451 (committee printing) by inserting the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION 1. Subchapter F, Chapter 15, Water Code, is amended by adding Section 15.4062 to read as follows:

Sec. 15.4062. FUNDING FOR GROUNDWATER MANAGEMENT COORDINATION. (a) The board may enter into a contract with a political subdivision designated as a representative of a groundwater management area council established under Section 36.108 to pay from the research and planning fund all or part of the cost of performing the groundwater management area planning functions required of the groundwater management area council under Section 36.108.

(b) A political subdivision may submit, either individually or jointly with other political subdivisions, a written application to the board to request assistance paying for the planning functions required under Section 36.108.

(c) The application must be in the manner and form prescribed by board rules and include:

(1) the name of each political subdivision participating in the application;

(2) a citation to each law under which each political subdivision was created and is operating, including specific citation of any law providing authority to perform the functions under Section 36.108;

(3) the amount of money being requested; and

(4) any other relevant information required by board rules or specifically requested by the board.

(d) After providing notice of and conducting a hearing on

Insert
F.A.# 2 (A) (cont)

1 the application, the board may award the applicant the amount of
2 money the board considers necessary to perform the functions under
3 Section 36.108.

4 (e) If the board grants an application under this section
5 and awards money, the board shall enter into a contract with each
6 participating political subdivision that includes:

7 (1) a detailed statement of the purpose for which the
8 money is to be used;

9 (2) the total amount of the award to be paid by the
10 board from the research and planning fund; and

11 (3) any other terms and conditions required by board
12 rules or agreed to by the contracting parties.

13 (f) The board shall adopt rules establishing criteria for
14 making grants of money under this section that include:

15 (1) the relative need of the political subdivision for
16 the money;

17 (2) the legal authority of the political subdivision
18 to perform the duties required under the contract; and

19 (3) the degree to which groundwater management area
20 planning by each political subdivision for the groundwater
21 management area council will address the issues of groundwater
22 management in the groundwater management area. / ^{2/3}

23 (g) The board may not award money under this section if
24 existing information is sufficient for the performance of functions
25 under Section 36.108.

26 (h) The board shall require that information developed or
27 revised under a contract entered into under this section be made
28 available to the commission, the Department of Agriculture, and the
29 Parks and Wildlife Department.

30 SECTION 2. Subchapter B, Chapter 16, Water Code, is
31 amended by adding Section 16.0122 to read as follows:

Insert F.A.#2 (A) (cont)

1 Sec. 16.0122. TECHNICAL ASSISTANCE FOR GROUNDWATER
2 MANAGEMENT AREAS. For each groundwater management area established
3 under Section 35.007, the executive administrator shall provide one
4 or more employees of the board to assist the groundwater management
5 area council and the districts in the council's groundwater
6 management area. The employees shall provide assistance:

7 (1) training district employees or the district board
8 on basic data collection protocols;

9 (2) collecting and interpreting information;

10 (3) providing technical services or expertise;

11 (4) conducting hydrogeologic investigations;

12 (5) providing groundwater availability modeling;

13 (6) developing a district's groundwater management
14 plan;

15 (7) preparing for or conducting a joint planning
16 effort for districts in a groundwater management area or for a
17 district and a regional water planning group established under
18 Section 16.053, including assistance in avoiding and resolving 3/4
19 conflicts; and

20 (8) providing education.

21 SECTION 3. Section 16.053, Water Code, is amended by
22 ~~adding Subsection (d-1) and~~ amending Subsection ^{(c) and} (e) to read as
23 follows: ^{(and adding Subsection (d-1))}

24 (d-1) The applicable groundwater management area councils
25 shall provide to each regional water planning group and the board 4/5
26 their adopted estimates of the amount of managed available
27 groundwater in each applicable groundwater management area.

28 (e) Each regional water planning group shall submit to the
29 board a regional water plan that:

30 (1) is consistent with the guidance principles for the
31 state water plan adopted by the board under Section 16.051(d);

Insert F.A. #2 (A) (cont)

(2) provides information based on data provided or approved by the board in a format consistent with the guidelines provided by the board under Subsection (d);

(3) identifies:

(A) each source of water supply in the regional water planning area, including information supplied by the applicable groundwater management area councils under Subsection (d-1) on the amount of managed available groundwater in the applicable groundwater management areas, in accordance with the guidelines provided by the board under Subsections (d) and (f);

(B) factors specific to each source of water supply to be considered in determining whether to initiate a drought response; and

(C) actions to be taken as part of the response;

(4) has specific provisions for water management strategies to be used during a drought of record;

(5) includes but is not limited to consideration of the following:

(A) any existing water or drought planning efforts addressing all or a portion of the region;

(B) approved ~~[certified]~~ groundwater ^{/5/6} conservation district management plans and other plans submitted under Section 16.054;

(C) all potentially feasible water management strategies, including but not limited to improved conservation, reuse, and management of existing water supplies, acquisition of available existing water supplies, and development of new water supplies; including, if appropriate, groundwater produced from land dedicated to the permanent school fund or permanent university fund

(D) protection of existing water rights in the region;

(E) opportunities for and the benefits of

Insert F.A. #2 (A) (cont)

1 developing regional water supply facilities or providing regional
2 management of water supply facilities;

3 (F) appropriate provision for environmental
4 water needs and for the effect of upstream development on the bays,
5 estuaries, and arms of the Gulf of Mexico and the effect of plans on
6 navigation;

7 (G) provisions in Section 11.085(k)(1) if
8 interbasin transfers are contemplated;

9 (H) voluntary transfer of water within the region
10 using, but not limited to, regional water banks, sales, leases,
11 options, subordination agreements, and financing agreements; and

12 (I) emergency transfer of water under Section
13 11.139, including information on the part of each permit, certified
14 filing, or certificate of adjudication for nonmunicipal use in the
15 region that may be transferred without causing unreasonable damage / 6/7
16 to the property of the nonmunicipal water rights holder;

17 (6) identifies river and stream segments of unique
18 ecological value and sites of unique value for the construction of
19 reservoirs that the regional water planning group recommends for
20 protection under Section 16.051;

21 (7) assesses the impact of the plan on unique river and
22 stream segments identified in Subdivision (6) if the regional water
23 planning group or the legislature determines that a site of unique
24 ecological value exists; and

25 (8) describes the impact of proposed water projects on
26 water quality.

27 SECTION 4. Subsection (c), Section 35.004, Water Code, is
28 amended to read as follows:

29 (c) The Texas Water Development Board may not alter the
30 boundaries of designated management areas [~~as required by future~~
31 ~~conditions and as justified by factual data. An alteration of~~

Insert F.A.#2 (A) (cont)

1 ~~boundaries does not invalidate the previous creation of any~~
2 ~~district].~~

3 SECTION 5. Subsection (a), Section 35.007, Water Code, is
4 amended to read as follows:

5 (a) The executive director and the executive administrator
6 shall meet periodically to identify, based on information gathered
7 by the commission and the Texas Water Development Board, those
8 areas of the state that are experiencing or that are expected to
9 experience, within the immediately following 50-year ~~[25-year]~~
10 period, critical groundwater problems, including shortages of
11 surface water or groundwater, land subsidence resulting from
12 groundwater withdrawal, and contamination of groundwater supplies.
13 Not later than September 1, 2005, the commission, with assistance
14 and cooperation from the Texas Water Development Board, shall
15 complete the initial designation of priority groundwater
16 management areas across all major and minor aquifers of the state
17 for all areas that meet the criteria for that designation. The
18 studies may be prioritized considering information from the
19 regional planning process, information from the Texas Water
20 Development Board groundwater management areas and from
21 groundwater conservation districts, and any other information
22 available. After the initial designation of priority groundwater
23 management areas, the commission and the Texas Water Development
24 Board shall annually review the need for additional designations as
25 provided by this subsection.

26 SECTION 7. Subsection (b), Section 35.018, Water Code, is
27 amended to read as follows:

28 (b) The report must include:

29 (1) the names and locations of all priority
30 groundwater management areas and districts created or attempted to
31 be created on or after November 5, 1985, the effective date of

Exhibit #4.#2 (B)

1 Chapter 133 (H.B. No. 2), Acts of the 69th Legislature, Regular
2 Session, 1985;

3 (2) the authority under which each priority
4 groundwater management area and district was proposed for creation;

5 (3) a detailed analysis of each election held to
6 confirm the creation of a district, including analysis of election
7 results, possible reasons for the success or failure to confirm the
8 creation of a district, and the possibility for future voter
9 approval of districts in areas in which attempts to create
10 districts failed;

11 (4) a detailed analysis of the activities of each
12 district created, including those districts which are implementing
13 management plans approved [~~certified~~] under Section 36.1072;

14 (5) a report on [~~audits performed on districts under~~
15 ~~Section 36.302 and~~] remedial actions taken under Section 36.303;

16 (6) recommendations for changes in this chapter and / %
17 Chapter 36 that will facilitate the creation of priority
18 groundwater management areas and the creation and operation of
19 districts;

20 (7) a report on educational efforts in newly
21 designated priority groundwater management areas; and

22 (8) any other information and recommendations that the
23 commission considers relevant.

24 SECTION 8. Section 36.001, Water Code, is amended by
25 adding Subdivision (24) to read as follows:

26 (24) "Managed available groundwater" means the amount
27 of water that may be permitted by a district for beneficial use in
28 accordance with the desired future condition of the aquifer as
29 determined by the groundwater management area council.

30 SECTION 9. Section 36.0015, Water Code, is amended to
31 read as follows:

Insert F.A.#2 (B) (cont)

1 Sec. 36.0015. PURPOSE. In order to provide for the
2 conservation, preservation, protection, recharging, and prevention
3 of waste of groundwater, and of groundwater reservoirs or their
4 subdivisions, and to control subsidence caused by withdrawal of
5 water from those groundwater reservoirs or their subdivisions,
6 consistent with the objectives of Section 59, Article XVI, Texas
7 Constitution, groundwater conservation districts may be created as
8 provided by this chapter. [~~Groundwater conservation districts~~
9 ~~created as provided by this chapter are the state's preferred~~
10 ~~method of groundwater management through rules developed, adopted,~~
11 ~~and promulgated by a district in accordance with the provisions of~~
12 ~~this chapter.~~] / 10/11

13 SECTION 10. Subchapter A, Chapter 36, Water Code, is
14 amended by adding Section 36.0016 to read as follows:

15 Sec. 36.0016. POLICY GOAL. It is the policy goal of this
16 chapter to ensure the consistent management of groundwater in a
17 shared management area by the groundwater conservation districts
18 located in that area.

19 SECTION 11. Subsections (a), (b), and (d) through (g),
20 Section 36.1071, Water Code, are amended to read as follows:

21 (a) Following notice and hearing, the district shall, in
22 coordination with surface water management entities on a regional
23 basis, develop a comprehensive management plan which addresses the
24 following management goals, as applicable:

- 25 (1) providing the most efficient use of groundwater;
26 (2) controlling and preventing waste of groundwater;
27 (3) controlling and preventing subsidence;
28 (4) addressing conjunctive surface water management
29 issues;
30 (5) addressing natural resource issues;
31 (6) addressing drought conditions; [~~and~~]

Insert F.A. #2 (13) (cont)

(7) addressing conservation, recharge enhancement, rainwater harvesting, precipitation enhancement, or brush control, where appropriate and cost-effective;

(8) addressing a data collection program that meets standards established by Texas Water Development Board rules; and

(9) addressing in a quantitative manner the desired future conditions for the groundwater resources within the district established by the groundwater management area council under Section 36.108. / 1 1/2

(b) A [~~After January 5, 2002, a~~] district management plan, or any amendments to a district management plan, shall be developed by the district using the district's best available data and forwarded to the regional water planning group for use [~~consideration~~] in their planning process.

(d) The commission shall provide technical assistance to a district during its initial operational phase. If requested by a district, the Texas Water Development Board shall train the district on basic information collection methodology and provide technical assistance to districts as provided by Section 16.0122.

(e) In the management plan described under Subsection (a), the district shall:

(1) identify the performance standards and management objectives under which the district will operate to achieve the management goals identified under Subsection (a);

(2) specify, in as much detail as possible, the actions, procedures, performance, and avoidance that are or may be necessary to effect the plan, including specifications and proposed rules;

(3) include estimates of the following:

(A) managed available [~~the existing total usable amount of~~] groundwater in the district as provided by the executive

Insert F.A.#2 (B) (cont)

1 administrator and based on the desired future condition of the
2 aquifers established by the groundwater management area council
3 under Section 36.108;

4 (B) the amount of groundwater [~~being~~] used within ^{12/13}
5 the district on an annual basis for each of the preceding 10 years;

6 (C) the annual amount of recharge, if any, to the
7 groundwater resources within the district and how natural or
8 artificial recharge may be increased; and

9 (D) the projected water supply and projected
10 demand for water within the district; and

11 (4) address water supply needs in a manner that is not
12 in conflict with the adopted state [~~appropriate approved regional~~]
13 water plan [~~if a regional water plan has been approved under Section~~
14 ~~16.053~~].

15 (f) The district shall adopt rules necessary to implement
16 the management plan. Before the development of the management plan
17 and its approval under Section 36.1072, the district may not adopt
18 rules other than rules pertaining to the registration and continued
19 operation of existing wells and rules governing procedure before
20 the district's board. The district may accept applications for
21 permits under Section 36.113, except that the district may not act
22 on any such application until the district's management plan is
23 approved as provided by Section 36.1072, unless special
24 circumstances are demonstrated that necessitate granting one or
25 more interim authorizations to drill and operate new wells before
26 the management plan's approval.

27 (g) The district [~~board~~] shall adopt amendments to the
28 management plan as necessary. Amendments to the management plan
29 shall be adopted after notice and hearing and shall otherwise
30 comply with the requirements of this section.

31 SECTION 12. Section 36.1072, Water Code, is amended to

(13) cont
13/14 →

1 read/as follows:

2 Sec. 36.1072. COUNCIL [~~TEXAS WATER DEVELOPMENT BOARD~~]
3 REVIEW AND APPROVAL [~~CERTIFICATION~~] OF MANAGEMENT PLAN. (a) A
4 district shall, not later than three [~~two~~] years after the creation
5 of the district or, if the district required confirmation, after
6 the election confirming the district's creation, submit the
7 management plan required under Section 36.1071 to the executive
8 administrator for review and comment and to the groundwater
9 management area council for review and approval [~~certification~~].
10 The executive administrator shall provide comments to the
11 groundwater management area council and groundwater district on the
12 plan, including whether the plan contains goals and objectives
13 consistent with achieving the desired future condition of the
14 relevant aquifers as adopted by the groundwater management area
15 council under Section 36.108.

16 (b) Within 60 days of receipt of a management plan adopted
17 under Section 36.1071, readopted under Subsection (e) of this
18 section, or amended under Section 36.1073, the council [~~executive~~
19 ~~administrator~~] shall approve [~~certify~~] a management plan that
20 contains goals and objectives consistent with achieving the desired
21 future condition of the relevant aquifers as adopted by the
22 groundwater management area council under Section 36.108 and that
23 contains [~~if the plan is administratively complete. A management~~
24 ~~plan is administratively complete when it contains~~] the information
25 required to be submitted under Section 36.1071. The groundwater
26 management area council [~~executive administrator~~] may determine
27 whether [~~that~~] conditions justify waiver of the requirements under / 14/15
28 Section 36.1071(e)(4).

29 (c) Once the groundwater management area council has
30 approved a [~~determination that a~~] management plan [~~is~~
31 ~~administratively complete has been made~~]:

(B) cert

(1) the council ~~[executive administrator]~~ may not revoke but may suspend the approval as provided by Subsection (g) ~~[determination that a management plan is administratively complete]~~; and

(2) the council ~~[executive administrator]~~ may request additional information from the district if the information is necessary to clarify, modify, or supplement previously submitted material, but ~~[, and~~

~~[(3)]~~ a request for additional information does not render the management plan unapproved ~~[incomplete]~~.

(d) A management plan takes effect on approval ~~[certification]~~ by the groundwater management area council ~~[executive administrator]~~ or, if appealed, on approval ~~[certification]~~ by the Texas Water Development Board.

(e) The district ~~[board]~~ may review the plan annually and must review and readopt the plan with or without revisions at least once every five years. The district shall provide the readopted plan to the executive administrator and groundwater management area council not later than the 60th day after the date on which the plan was readopted. Approval of the preceding management plan remains in effect until:

(1) the district fails to timely readopt a management plan;

(2) the district fails to timely submit the district's readopted management plan to the executive administrator or the council; or

(3) the council determines that the readopted management plan does not meet the requirements for approval, and the district has exhausted all appeals to the Texas Water Development Board.

(f) If the groundwater management area council ~~[executive~~

1 ~~administrator~~] does not approve [~~certify~~] the management plan, the
 2 council [~~executive administrator~~] shall provide to the district, in
 3 writing, the reasons for the action. Not later than the 180th day
 4 after the date a district receives notice that its management plan
 5 has not been approved [~~certified~~], the district may submit a
 6 revised management plan for review and approval [~~certification~~].
 7 The council's [~~executive administrator's~~] decision may be appealed
 8 to the Texas Water Development Board. The decision of the Texas
 9 Water Development Board on whether to approve [~~certify~~] the
 10 management plan may [~~not~~] be appealed to a district court in the
 11 county where the district is headquartered. The commission shall
 12 not take enforcement action against a district under Subchapter I
 13 until the later of the expiration of the 180-day period or the date
 14 the Texas Water Development Board has taken final action
 15 withholding approval [~~certification~~] of a revised management plan.

16 (g) In this subsection, "development board" means the Texas
 17 Water Development Board, and "council" means the groundwater
 18 management area council. A person with a legally defined interest
 19 in groundwater in a district or the regional water planning group^{16/17}
 20 may file a petition with the council [~~board~~] stating that a conflict
 21 requiring resolution may exist between the district's approved
 22 [~~certified groundwater conservation district~~] management plan
 23 developed under Section 36.1071 and the state water plan. If a
 24 conflict exists, the council [~~board~~] shall facilitate coordination
 25 between the involved person or regional water planning group and
 26 the district to resolve the conflict. If conflict remains, the
 27 council shall petition the development board to [~~shall~~] resolve the
 28 conflict. The development board action under this provision may be
 29 consolidated, at the option of the development board, with related
 30 action under Section 16.053(p). If the development board
 31 determines that resolution of the conflict requires a revision of

(D)(cont)

1 the approved [~~certified groundwater conservation district~~]
2 management plan, the council [~~board~~] shall suspend the approval
3 [~~certification~~] of the plan and provide information to the
4 district. The district shall prepare any revisions to the plan
5 specified by the council [~~board~~] and shall hold, after notice, at
6 least one public hearing at some central location within the
7 district. The district shall consider all public and development
8 board comments, prepare, revise, and adopt its plan, and submit the
9 revised plan to the council [~~board~~] for approval [~~certification~~].
10 On the request of the district or the regional water planning group,
11 the development board shall include discussion of the conflict and
12 its resolution in the state water plan that the development board
13 provides to the governor, the lieutenant governor, and the speaker
14 of the house of representatives under Section 16.051(e).

15 SECTION 13. Section 36.1073, Water Code, is amended to
16 read as follows:

17 Sec. 36.1073. AMENDMENT TO MANAGEMENT PLAN. Any amendment
18 to the management plan shall be submitted to the groundwater
19 management area council and the executive administrator for review
20 and comment within 60 days following adoption of the amendment by
21 the district's board. The council [~~executive administrator~~] shall
22 review and approve and the executive administrator shall review and
23 comment on [~~certify~~] any amendment which substantially affects the
24 management plan in accordance with the procedures established under
25 Section 36.1072.

26 SECTION 14. Subchapter D, Chapter 36, Water Code, is
27 amended by amending Section 36.108 and adding Sections 36.1081 and
28 36.1082 to read as follows:

29 Sec. 36.108. GROUNDWATER MANAGEMENT AREA COUNCIL; [JOINT]
30 PLANNING IN MANAGEMENT AREA. (a) In this section, "development
31 board" means the Texas Water Development Board.

(B) (cont)

(b) The development board shall establish a groundwater management area council for each management area designated under Section 35.004 and shall appoint the members of the council, except as provided by this section. The groundwater management area council shall ensure the coordination of groundwater management in each management area.

(c) Each groundwater management area council is composed of the following representatives:

(1) the presiding officer of each groundwater conservation district in the groundwater management area or the presiding officer's designee;

(2) one additional representative of each multicounty groundwater conservation district, if the district chooses to appoint one; and

(3) residents of a district in the groundwater management area appointed by the development board as follows:

(A) one representative of retail water utility or municipal interests located wholly or partly in the groundwater management area;

(B) one representative of a regional water planning group, as designated under Section 16.053, to represent all the regional water planning groups located wholly or partly in the groundwater management area;

(C) one representative of agricultural interests who is an individual actively engaged in production agriculture;

(D) one representative of industrial or manufacturing interests located wholly or partly in the groundwater management area; and

(E) if applicable, one representative who holds a permit from a district to use groundwater outside the boundaries of the district.

1 (d) If the number of representatives on the groundwater
2 management area council that results from the application of
3 Subsection (c) is an even number, the representatives shall appoint
4 an additional representative by a two-thirds vote of those
5 representatives. The additional member must be a resident of a
6 district in the groundwater management area with a reasonable
7 knowledge of groundwater issues and hydrology in the area.

8 (e) The groundwater management area council shall elect one
9 of the representatives as presiding officer of the council.

10 (f) A person appointed under Subsection (c)(3) or (d) may
11 not be an employee or officer of a district or a state or federal
12 agency.

13 (g) A member of the council appointed under Subsection
14 (c)(3) or (d) serves a two-year term expiring August 31 of each
15 odd-numbered year. If a vacancy occurs, the council shall appoint a
16 successor not later than the 60th day after the date the council
17 receives notice of the vacancy.

18 (h) After funding is made available and not later than the
19 fifth anniversary of the appointment of a groundwater management
20 area council, and at least every fifth year after that anniversary,
21 each groundwater management area council shall adopt a statement
22 that in a quantified manner provides an estimate of the managed
23 available groundwater in the groundwater management area and
24 describes the desired future conditions of each aquifer in the
25 groundwater management area, which may include protection of
26 springflow in the area.

27 (i) A groundwater management area council may:

28 (1) in coordination with the executive administrator,
29 perform areawide hydrogeologic studies and modeling as supplements
30 to the groundwater availability models obtained or developed by the
31 executive administrator under Section 16.012;

⑤ (cont.)

(2) coordinate with a district, regional water planning group, political subdivision, the commission, the development board, or any other person or entity regarding groundwater management;

(3) establish groundwater monitoring networks in the groundwater management area; and

(4) designate a political subdivision to perform a duty required by this section, including by executing a necessary contract.

(j) In adopting the desired future conditions of each aquifer under Subsection (h), each groundwater management area council shall:

(1) use groundwater availability models developed by the executive administrator or other information approved by the executive administrator; and

(2) consider recommendations that districts or other interested persons in the groundwater management area propose.

(k) The commission and the development board shall provide technical assistance to a groundwater management area council in the development of the statement adopted under Subsection (h).

(l) Each groundwater management area council shall submit the council's final statement adopted under Subsection (h) to the executive administrator for review and comment. If the development board finds that the submitted statement and estimate are in conflict with the state water plan or the groundwater availability adopted by the development board for the council's groundwater management area, the development board shall provide comment and recommendations to the council to resolve the conflict. The council shall amend the adopted statement and estimate accordingly. The executive administrator shall provide an estimate of managed available groundwater to the groundwater management area council

⑤ (cont)
→

1 based on the council's statement adopted under Subsection (h).

2 (m) Each groundwater management area council shall:

3 (1) conduct all meetings in accordance with Chapter
4 551, Government Code;

5 (2) provide notice for each meeting in the manner
6 prescribed by Chapter 551, Government Code, for a district board of
7 directors meeting; and

8 (3) comply with the provisions of Chapter 552,
9 Government Code.

10 (n) A cause of action does not accrue against a groundwater
11 management area council, a representative serving on a groundwater
12 management area council, or an employee of a political subdivision
13 designated under Subsection (i)(4) for an act or omission if the
14 council, representative, or employee committed the act or omission
15 while acting in good faith and in the course and scope of the
16 council's, representative's, or employee's work related to the
17 groundwater management area council.

18 (o) A groundwater management area council, a representative
19 serving on a groundwater management area council, or an employee of
20 a political subdivision designated under Subsection (i)(4) is not
21 liable for damages arising from an act or omission if the council,
22 representative, or employee committed the act or omission while
23 acting in good faith and in the course and scope of the council's,
24 representative's, or employee's work related to the groundwater
25 management area council.

26 (p) On request, the attorney general shall represent a
27 groundwater management area council, a representative serving on a
28 groundwater management area council, or an employee of a political
29 subdivision designated under Subsection (i)(4) in a suit arising
30 from an act or omission relating to the groundwater management area
31 council.

1 (q) A person with a legally defined interest in the
2 groundwater in the groundwater management area, a district in or
3 adjacent to the groundwater management area, or a regional water
4 planning group for a region in the groundwater management area may
5 file a petition with the development board appealing the approval
6 of the groundwater management area plan. The petition must provide
7 evidence that:

8 (1) the groundwater management area plan does not
9 establish a reasonable desired future condition of the groundwater
10 resources in the groundwater management area;

11 (2) the management area plan does not establish
12 reasonable groundwater availability for the district; or

13 (3) the groundwater in the groundwater management area
14 will not be adequately protected.

15 (r) The development board shall review the petition and any
16 evidence relevant to the petition. The development board shall
17 hold at least one hearing at a central location in the management
18 area to take testimony on the petition. The development board may
19 delegate responsibility for a hearing to the executive
20 administrator or to a person designated by the executive
21 administrator. If the development board finds that the groundwater
22 management area plan requires revision, the development board shall
23 submit a report to the groundwater management area council that
24 includes a list of findings and recommended revisions to the
25 groundwater management area plan.

26 (s) The groundwater management area council shall prepare a
27 revised plan in accordance with development board recommendations
28 and hold, after notice, at least one public hearing at a central
29 location in the groundwater management area. After consideration
30 of all public and development board comments, the council shall
31 revise the plan and submit the plan to the development board for

(B) (cont)
→

1 review [~~If two or more districts are located within the boundaries~~
2 ~~of the same management area, each district shall prepare a~~
3 ~~comprehensive management plan as required by Section 36.1071~~
4 ~~covering that district's respective territory. On completion and~~
5 ~~certification of the plan as required by Section 36.1072, each~~
6 ~~district shall forward a copy of the new or revised management plan~~
7 ~~to the other districts in the management area. The boards of the~~
8 ~~districts shall consider the plans individually and shall compare~~
9 ~~them to other management plans then in force in the management area.~~

10 [~~(b) The board of directors of each district in the~~
11 ~~management area may, by resolution, call for joint planning with~~
12 ~~the other districts in the management area to review the management~~
13 ~~plans and accomplishments for the management area. In reviewing~~
14 ~~the management plans, the boards shall consider:~~

15 [~~(1) the goals of each management plan and its impact~~
16 ~~on planning throughout the management area,~~

17 [~~(2) the effectiveness of the measures established by~~
18 ~~each management plan for conserving and protecting groundwater and~~
19 ~~preventing waste, and the effectiveness of these measures in the~~
20 ~~management area generally, and~~

21 [~~(3) any other matters that the boards consider~~
22 ~~relevant to the protection and conservation of groundwater and the~~
23 ~~prevention of waste in the management area.~~

24 [~~(c) If a joint meeting of the boards of directors is~~
25 ~~called, the meeting must be held in accordance with Chapter 551,~~
26 ~~Government Code. Notice of the meeting shall be given in accordance~~
27 ~~with the requirements for notice of district board of directors~~
28 ~~meetings under that Act].~~

29 Sec. 36.1081. PETITION AGAINST DISTRICT. (a) At least
30 every five years a groundwater [~~(d) A district in the~~] management
31 area council shall review the management plan and the performance

(B) (cont) 2

1 of each district in the groundwater management area. A district or
2 a groundwater management area council for good cause may file ~~[with~~
3 ~~good cause]~~ a petition with the commission requesting an inquiry if
4 ~~[the petitioner district adopted a resolution calling for joint~~
5 ~~planning and the other district or districts refused to join in the~~
6 ~~planning process or the process failed to result in adequate~~
7 ~~planning, and the petition provides evidence that]:~~

8 (1) a [another] district in the groundwater management
9 area has failed to submit its management plan to the executive
10 administrator and the groundwater management area council [adopt
11 rules];

12 (2) a district in the groundwater management area has
13 failed to adopt or make reasonable progress toward adopting rules;

14 (3) the rules adopted by a district are not designed to
15 achieve the desired future condition of the groundwater resources
16 in the groundwater management area established by the groundwater
17 management area plan [the groundwater in the management area is not
18 adequately protected by the rules adopted by another district]; or

19 (4) ~~[(3)]~~ the groundwater in the groundwater
20 management area is not adequately protected due to the failure of a
21 ~~[another]~~ district to enforce substantial compliance with its
22 rules.

23 (b) ~~[(e)]~~ Not later than the 90th day after the date the
24 petition is filed, the commission shall review the petition and
25 either:

26 (1) dismiss the petition if the commission [it if it]
27 finds that the evidence is not adequate to show that any of the
28 conditions alleged in the petition exist; or

29 (2) select a review panel as provided in Subsection

30 (c) [(f)].

31 (c) [(f)] If the petition is not dismissed under Subsection

(B) cont)

1 (b) [~~e~~], the commission shall appoint a review panel consisting
2 of a chairman and four other members. A director or general manager
3 of a district located outside the groundwater management area that
4 is the subject of the petition may be appointed to the review panel.
5 The commission may not appoint more than two members of the review
6 panel from any one district. The commission also shall appoint a
7 disinterested person to serve as a nonvoting recording secretary
8 for the review panel. The recording secretary may be an employee of
9 the commission. The recording secretary shall record and document
10 the proceedings of the panel.

11 (d) [~~g~~] Not later than the 120th day after appointment,
12 the review panel shall review the petition and any evidence
13 relevant to the petition and, in a public meeting, consider and
14 adopt a report to be submitted to the commission. The commission
15 may direct the review panel to conduct public hearings at a location
16 in the groundwater management area to take evidence on the
17 petition. The review panel may attempt to negotiate a settlement or
18 resolve the dispute by any lawful means.

19 (e) [~~h~~] In its report, the review panel shall include:

20 (1) a summary of all evidence taken in any hearing on
21 the petition;

22 (2) a list of findings and recommended actions
23 appropriate for the commission to take and the reasons it finds
24 those actions appropriate; and

25 (3) any other information the panel considers
26 appropriate.

27 (f) [~~i~~] The review panel shall submit its report to the
28 commission. The commission may take action under Section 36.3011.

29 Sec. 36.1082. DISTRICT COOPERATION. [~~j~~] Districts
30 located within the same groundwater management areas or in adjacent
31 management areas may contract to jointly conduct studies or

Insert F.A. #2 (B)

1 research, or to construct projects, under terms and conditions that
2 the districts consider beneficial. These joint efforts may include
3 studies of groundwater availability and quality, aquifer modeling,
4 and the interaction of groundwater and surface water; educational
5 programs; the purchase and sharing of equipment; and the
6 implementation of projects to make groundwater available,
7 including aquifer recharge, brush control, weather modification,
8 desalination, regionalization, and treatment or conveyance
9 facilities. The districts may contract under their existing
10 authorizations including those of Chapter 791, Government Code, if
11 their contracting authority is not limited by Sections
12 791.011(c)(2) and (d)(3) and Section 791.014, Government Code.

to
p. 27,
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Insert
F.A. #2
(C)

13 SECTION 16. Subchapter D, Chapter 36, Water Code, is
14 amended by adding Section 36.1152 to read as follows:

15 Sec. 36.1152. PERMITS BASED ON MANAGED AVAILABLE
16 GROUNDWATER. (a) Except as provided by Subsection (b), a
17 district, to the extent possible, shall issue permits up to the
18 point that the total volume of groundwater permitted equals the
19 managed available groundwater, if administratively complete permit
20 applications are submitted to the district.

21 (b) If a district proposes, based on sound science, to limit
22 the volume of groundwater permitted to less than the managed
23 available groundwater, the district must obtain the approval of the
24 groundwater management area council. Before acting on the request,
25 the groundwater management area council shall obtain and consider
26 the executive administrator's technical review and analysis of the
27 science on which the request is based.

28 (c) The groundwater management area council:

29 (1) shall approve a district's proposed limit under
30 Subsection (b) if the total reduction from the managed available
31 groundwater does not exceed 12.5 percent; and

© (cont)

(2) may approve a limit resulting in a reduction greater than 12.5 percent.

SECTION 17. Subsections (a) and (b), Section 36.116, Water Code, are amended to read as follows:

(a) In order to minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, to control subsidence, to prevent interference between wells, to prevent degradation of water quality, or to prevent waste, a district by rule may regulate:

(1) the spacing of water wells by:

(A) requiring all water wells to be spaced a certain distance from property lines or adjoining wells;

(B) requiring wells with a certain production capacity, pump size, or other characteristic related to the construction or operation of and production from a well to be spaced a certain distance from property lines or adjoining wells; or

(C) imposing spacing requirements adopted by the board; and

(2) the production of groundwater by:

(A) setting production limits on wells;

(B) limiting the amount of water produced based on acreage or tract size;

(C) limiting the amount of water that may be produced from a defined number of acres assigned to an authorized well site;

(D) limiting the maximum amount of water that may be produced on the basis of acre-feet per acre or gallons per minute per well site per acre; ~~[or]~~

(E) managed depletion; or

(F) any combination of the methods listed above in Paragraphs (A) through (E) [~~(D)~~].

(C) (cont)

1 (b) In promulgating any rules limiting groundwater
2 production, the district may preserve historic or existing use
3 before the effective date of the rules to the maximum extent
4 practicable consistent with the district's comprehensive
5 management plan under Section 36.1071 and as provided by Section
6 36.113.

7 SECTION 18. Subchapter D, Chapter 36, Water Code, is
8 amended by adding Section 36.125 to read as follows:

9 Sec. 36.125. APPEAL OF DISTRICT ACTION TO DISPUTE
10 RESOLUTION PANEL. (a) If a dispute arises between a district and
11 a person affected by an action taken by the district under this
12 subchapter, either the district or the affected person may file a
13 petition with the commission requesting the appointment of a
14 dispute resolution panel to assist the parties in reaching a
15 resolution of the dispute. Not later than the 10th day after the
16 date the petition is filed, any party may submit to the commission a
17 written objection to the appointment of a panel.

18 (b) A petition filed under this section must include:

19 (1) the name of and contact information for each
20 party;

21 (2) a brief summary of the dispute along with a copy of
22 any relevant document, including a permit, an application, a
23 timeline, the district's enabling statute, a rule, a groundwater
24 management plan, or the groundwater management area plan; and

25 (3) other information required by the commission.

26 (c) Not later than the 60th day after the date the petition
27 is filed, the commission shall review the petition and:

28 (1) dismiss it if the commission finds that the
29 petition is baseless, is frivolous, or fails to present an issue
30 that is appropriate for panel review or finds that there is
31 reasonable basis for the objection filed under Subsection (a); or

(C) (cont)

1 (2) select a panel as provided by Subsection (e).

2 (d) If the petition is dismissed, the commission shall
3 provide the reasons for the dismissal in writing to the district and
4 the affected person.

5 (e) If the petition is not dismissed, the commission shall,
6 in accordance with an interagency contract, request the Center for
7 Public Policy Dispute Resolution to select a three-member dispute
8 resolution panel. The panel shall be selected within 30 days of the
9 commission's request. All panel members must be individuals who
10 are not involved in or affected by the matter in dispute and whose
11 expertise and knowledge may be useful in resolving the dispute. The
12 presiding officer of the panel must also be an impartial third
13 party, have expertise and classroom training in resolving public
14 policy disputes, and have knowledge of groundwater law in Texas.
15 The panel members' costs shall be shared equally among the parties,
16 unless agreed to otherwise. The commission shall compensate the
17 Center for its costs related to this subsection.

18 (f) Not later than the 45th day after the date the panel is
19 selected, the panel shall review the petition and any information
20 relevant to the petition and begin holding meetings with the
21 parties to assist them in resolving the dispute. The panel may
22 consolidate multiple parties, appoint a person to represent
23 multiple parties, invite additional parties, or dismiss parties as
24 the panel considers appropriate. The Texas Water Development Board
25 and the commission shall provide technical and legal assistance as
26 requested by the panel.

27 (g) Not later than the 90th day after the panel's first
28 meeting with the parties, the panel shall report to the commission
29 whether the parties have reached a settlement. If no settlement has
30 been reached, the commission shall dissolve the panel and the
31 parties may proceed with any other available remedy, including

Insert
F.A.# 2 (C)

1 those provided under Subchapter H.

2 (h) A court of this state shall take judicial notice of a
3 dispute resolution panel under this section and may stay an
4 affected judicial proceeding pending a settlement of the dispute or
5 the dissolution of the panel.

(D)
to p. 28,
l. 24

6 SECTION 20. Section 36.301, Water Code, is amended to
7 read as follows:

Insert
F.A.# 28
(D)

8 Sec. 36.301. FAILURE TO SUBMIT A MANAGEMENT PLAN. If a
9 board fails to submit a management plan or readopted management
10 plan to receive approval [~~certification~~] of its management plan
11 under Section 36.1072 or fails to submit or receive approval
12 [~~certification~~] of an amendment to the management plan under
13 Section 36.1073, the commission shall take appropriate action under
14 Section 36.303.

15 SECTION 21. Section 36.3011, Water Code, is amended to
16 read as follows:

17 Sec. 36.3011. FAILURE OF [A] DISTRICT TO COMPLY WITH
18 GROUNDWATER MANAGEMENT AREA PLAN [~~CONDUCT JOINT PLANNING~~].
19 [~~(a) If the board of a district within a common management area~~
20 ~~fails to forward a copy of its new or revised certified management~~
21 ~~plan under Section 36.108, the commission shall take appropriate~~
22 ~~action under Section 36.303.~~

23 [(b)] Not later than the 45th day after receiving the review
24 panel's report under Section 36.1081 [~~36.108~~], the executive
25 director or the commission shall take action to implement any or all
26 of the panel's recommendations. The commission may take any action
27 against a district it considers necessary in accordance with
28 Section 36.303 if [~~if~~] the commission finds that:

29 (1) a district [~~in the joint planning area~~] has failed
30 to submit its plan to the executive administrator and the
31 groundwater management area council;

F.A.#2 (D)

(2) a district has failed to adopt rules;

(3) the rules adopted by the district are not designed to achieve the desired future condition of the groundwater resources in the groundwater management area established under the groundwater management area plan; or

(4) the district fails~~[, the groundwater in the management area is not adequately protected by the rules adopted by the district, or the groundwater in the management area is not adequately protected because of the district's failure]~~ to enforce substantial compliance with its rules~~[, the commission may take any action it considers necessary in accordance with Section 36.303]~~.

SECTION 22. Section 36.302, Water Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) The state auditor may perform the review under Subsection (a) following the first anniversary of the initial approval ~~[certification]~~ of the plan ~~[by the Texas Water Development Board]~~ under Section 36.1072 and at least as often as once every seven years after that date, subject to a risk assessment and to the legislative audit committee's approval of including the review in the audit plan under Section 321.013, Government Code.

(d-1) The state auditor shall review any district that has an accounts payable balance of \$25,000 or more that is more than 12 months past due for consulting fees, including fees for accountants, attorneys, financial advisors, engineers, and geologists.

SECTION 29. Subsection (f), Section 1.11, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(f) The authority may own, finance, design, ~~[contract with a person who uses water from the aquifer for the authority or that~~

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1 ~~person to~~ construct, operate, or ~~own, finance, and~~ maintain
2 recharge [water supply] facilities or contract with a person who
3 uses water from the aquifer for the authority or that person to own,
4 finance, design, construct, operate, or maintain recharge
5 facilities. ~~[Management fees or special fees may not be used for~~
6 ~~purchasing or operating these facilities.]~~ For the purpose of this
7 subsection, "recharge [water supply] facility" means ~~[includes]~~ a
8 dam, reservoir, ~~[treatment facility, transmission facility,]~~ or
9 other method of recharge project and associated facilities,
10 structures, or works.

11 SECTION 30₃. Subsections (a), (c), (f), and (h), Section
12 1.14, Chapter 626, Acts of the 73rd Legislature, Regular Session,
13 1993, are amended to read as follows:

14 (a) Authorizations to withdraw water from the aquifer and
15 all authorizations and rights to make a withdrawal under this Act
16 shall be limited in accordance with this section to:

17 (1) protect the water quality of the aquifer;

18 (2) protect the water quality of the surface streams
19 to which the aquifer provides springflow;

20 (3) achieve water conservation;

21 (4) maximize the beneficial use of water available for
22 withdrawal from the aquifer;

23 (5) recognize the hydro-geologic connection and
24 interaction between surface and groundwater;

25 (6) protect aquatic and wildlife habitat;

26 (7) ~~[(6)]~~ protect species that are designated as
27 threatened or endangered under applicable federal or state law; and

28 (8) ~~[(7)]~~ provide for instream uses, bays, and
29 estuaries.

30 (c) Except as provided by Subsections ~~[(d),]~~ (f) ~~[(f),]~~ and (h)
31 of this section ~~[and Section 1.26 of this article,]~~ for the period

(2)

beginning January 1, 2005 [~~2008~~], the amount of permitted withdrawals from the aquifer may not exceed the sum of all regular permits issued or for which an application has been filed and issuance is pending action by the authority as of January 1, 2005. If annexation occurs, the amount of permitted withdrawals may be adjusted to include permits issued for wells in the annexed area as of January 1, 2005 [~~400,000 acre-feet of water for each calendar year~~].

(f) If the level of the aquifer is equal to or greater than 665 [~~650~~] feet above mean sea level as measured at Well J-17, the authority may authorize withdrawal from the San Antonio pool, on an uninterruptible basis, of permitted amounts. If the level of the aquifer is equal to or greater than 845 feet at Well J-27, the authority may authorize withdrawal from the Uvalde pool, on an uninterruptible basis, of permitted amounts. In accordance with Section 1.26 of this article, the [~~The~~] authority shall limit the additional withdrawals to ensure that springflows are not affected during critical drought conditions.

(h) To accomplish the purposes of this article, [~~by June 1, 1994,~~] the authority, through a program, shall implement and enforce water management practices, procedures, and methods to ensure that, not later than December 31, 2012, the continuous minimum springflows of the Comal Springs and the San Marcos Springs are maintained to protect endangered and threatened species to the extent required by federal law and to achieve other purposes provided by Subsection (a) of this section and Section 1.26 of this article. The authority from time to time as appropriate may revise the practices, procedures, and methods. To meet this requirement, the authority shall require:

(1) phased reductions in the amount of water that may be used or withdrawn by existing users or categories of other users,

(E)

1 including the authority's critical period management plan
2 established under Section 1.26 of this article; or

3 (2) implementation of alternative management
4 practices, procedures, and methods.

5 SECTION ~~31~~^{31.5}. Subsection (c), Section 1.15, Chapter 626, Acts
6 of the 73rd Legislature, Regular Session, 1993, is amended to read
7 as follows:

8 (c) The authority may issue regular permits, term permits,
9 and emergency permits. Except as provided in Section 1.14(f) and
10 Section 1.26 of this article, regular permits may not be issued on
11 an interruptible basis, and the total withdrawals authorized by all
12 regular permits issued by the authority may not exceed the
13 limitations provided by Section 1.14 of this article.

14 SECTION ~~32~~^{32.5}. Subsection (b), Section 1.19, Chapter 626, Acts
15 of the 73rd Legislature, Regular Session, 1993, is amended to read
16 as follows:

17 (b) Withdrawal of water under a term permit must be
18 consistent with the authority's critical period management plan
19 established under Section 1.26 of this article. A holder of a term
20 permit may not withdraw water from the San Antonio pool of the
21 aquifer unless the level of the aquifer is higher than 675 [665]
22 feet above sea level, as measured at Well J-17, and the flow at
23 Comal Springs as determined by Section 1.26(c) ^{of this article} is greater than 350
24 cfs.

25 SECTION ~~33~~^{33.5}. Article 1, Chapter 626, Acts of the 73rd
26 Legislature, Regular Session, 1993, is amended by amending Section
27 1.26 and adding Section 1.26A to read as follows:

28 Sec. 1.26. CRITICAL PERIOD MANAGEMENT PLAN. (a) After
29 review of the recommendations received, as prescribed in Section
30 1.26A of this article, the [The] authority shall prepare and
31 coordinate implementation of a [plan for] critical period

(E)

of this article

management plan in a manner consistent with Section 1.14(a) ~~[on or before September 1, 1995]~~. The mechanisms must:

(1) distinguish between discretionary use and nondiscretionary use;

(2) require reductions of all discretionary use to the maximum extent feasible;

(3) require utility pricing, to the maximum extent feasible, to limit discretionary use by the customers of water utilities; and

(4) require reduction of nondiscretionary use by permitted or contractual users, to the extent further reductions are necessary, in the reverse order of the following water use preferences:

(A) municipal, domestic, and livestock;

(B) industrial and crop irrigation;

(C) residential landscape irrigation;

(D) recreational and pleasure; and

(E) other uses that are authorized by law.

(b) In this subsection, "MSL" means the elevation, measured in feet, of the surface of the water in a well above mean sea level, and "CFS" means cubic feet per second. Not later than January 1, 2006, the authority shall, by rule, adopt and enforce a critical period management plan with withdrawal reduction percentages at no less than the amounts indicated in Tables 1 and 2 whether according to the index well levels or Comal Springs flow as may be applicable, for a maximum total in critical period Stage IV of 40 percent of the permitted withdrawals under Table 1 and 30 percent under Table 2:

£

TABLE 1 - CUMULATIVE CRITICAL PERIOD WITHDRAWAL REDUCTION STAGES
FOR THE SAN ANTONIO POOL

INDEX WELL	COMAL SPRINGS	CRITICAL	WITHDRAWAL
J-17 LEVEL MSL	FLOW CFS	PERIOD STAGE	REDUCTION
			PERCENTAGE
<665	N/A	I	10%
<650	N/A	II	10%
<640	<150	III	10%
<630	<100	IV	10%

TABLE 2 - CUMULATIVE CRITICAL PERIOD WITHDRAWAL REDUCTION STAGES
FOR THE UVALDE POOL

INDEX WELL J-27 MSL	CRITICAL PERIOD	WITHDRAWAL
FOR UVALDE POOL	STAGE	REDUCTION
		PERCENTAGE
N/A	N/A	N/A
N/A	II	N/A
<845	III	15%
<842	IV	15%

(c) The authority shall continuously track the average daily discharge rate measured over each period of five consecutive days at Comal Springs to determine whether a reduction in withdrawals to the Stage III reduction level is required. The authority shall track the average daily discharge rate measured for any five days in a period of 10 consecutive days to determine whether a reduction in withdrawals to the Stage IV reduction level is required.

(d) Beginning September 1, 2005, the authority shall not allow the volume of permitted withdrawals to exceed an annualized rate of 340,000 acre-feet, under critical period Stage IV. After January 1, 2012, the authority shall not allow the volume of permitted withdrawals to exceed an annualized rate of 320,000

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1 acre-feet, under critical period Stage IV. After January 1, 2020,
2 the authority shall not allow the volume of permitted withdrawals
3 to exceed an annualized rate of 288,000 acre-feet, under critical
4 period Stage IV.

5 (e) From time to time, the authority by rule may amend the
6 withdrawal reduction criteria of the authority's critical period
7 management plan as set forth in Subsections (b) and (c), ^{of this section.}
8 after review and consideration of the recommendations from the Texas
9 Water Development Board, the Edwards Aquifer area expert science
10 team, and the Edwards Aquifer area stakeholders committee, as
11 prescribed in Section 1.26A of this article. The amended plan must
12 be consistent with Section 1.14(a) of this article.

13 Sec. 1.26A. DEVELOPMENT OF WITHDRAWAL REDUCTION LEVELS AND
14 STAGES FOR CRITICAL PERIOD MANAGEMENT. (a) The Texas Water
15 Development Board shall appoint a 15-member Edwards Aquifer area
16 stakeholders committee not later than January 1, 2006. The
17 composition of the committee will be as follows:

18 (1) five holders of municipal permits issued by the
19 authority;

20 (2) two holders of irrigation permits issued by the
21 authority;

22 (3) three holders of industrial permits issued by the
23 authority;

24 (4) four downstream water rights holders in the
25 Guadalupe River basin; and

26 (5) one representative of a public interest group
27 related to instream flows in the Guadalupe River basin and bay and
28 estuary inflows from the Guadalupe River.

29 (b) The Edwards Aquifer area stakeholders committee shall
30 appoint a seven-member Edwards Aquifer area expert science team not
31 later than April 30, 2006. The expert science team must be composed

1 of technical experts with special expertise regarding the Edwards
2 Aquifer system, springflows, or the development of withdrawal
3 limitations. Chapter 2110, Government Code, does not apply to the
4 size, composition, or duration of the expert science team.

5 (c) The expert science team shall develop an analysis of
6 spring discharge rates and aquifer levels as a function of
7 withdrawal levels. Based upon this analysis and the required
8 elements to be considered by the authority in Section 1.14 of this
9 article, the Edwards Aquifer area expert science team shall,
10 through a collaborative process designed to achieve consensus,
11 create recommendations for withdrawal reduction levels and stages
12 for critical period management and submit them to the Edwards
13 Aquifer area stakeholders committee, the Texas Water Development
14 Board, and the authority. The initial recommendations must be
15 completed and submitted no later than September 30, 2006.

16 (d) In developing its recommendations, the Edwards Aquifer
17 area expert science team must consider all reasonably available
18 science, including any Edwards Aquifer specific studies, and the
19 recommendations must be based solely on the best science available.
20 The Edwards Aquifer area stakeholders committee may not change the
21 recommendations of the Edwards Aquifer area expert science team
22 regarding the withdrawal limitations appropriate to achieve the
23 purposes of Section 1.14 of this article.

24 (e) The Edwards Aquifer area stakeholders committee shall
25 review the withdrawal limitation and critical period management
26 recommendations submitted by the expert science team and shall
27 consider them in conjunction with other factors, including the
28 present and future needs for water for other uses related to water
29 supply planning in the Edwards Aquifer area and the required
30 elements to be considered by the authority in Section 1.14 of this
31 article. The stakeholders committee shall develop recommendations

1 regarding a critical period management plan and submit its
2 recommendations to the authority and to the Texas Water Development
3 Board. In developing its recommendations, the stakeholders
4 committee shall operate on a consensus basis to the maximum extent
5 possible. The initial recommendations must be completed and
6 submitted no later than October 31, 2006.

7 (f) The Texas Water Development Board shall submit to the
8 authority its comments on and recommendations regarding the Edwards
9 Aquifer area expert science team's recommended withdrawal
10 reduction levels and stages for critical period management needed
11 to maintain target spring discharge and aquifer levels. The
12 withdrawal reduction recommendations shall be based upon a
13 combination of spring discharge rates of the San Marcos and Comal
14 Springs and levels at the J-17 and J-27 wells.

15 (g) The Edwards Aquifer area expert science team, Edwards
16 Aquifer area stakeholders committee, and the Texas Water
17 Development Board shall submit recommendations to the authority for
18 use in developing its rules relative to establishing the critical
19 period management plan.

20 (h) Where reasonably practicable, meetings of the Edwards
21 Aquifer area expert science team and Edwards Aquifer area
22 stakeholders committee must be open to the public.

23 (i) In recognition of the importance of critical period
24 management to adapt to changed conditions or information, after
25 submitting its recommendations regarding withdrawal limitations
26 and strategies to meet the spring flow needs to the authority, the
27 stakeholders committee, with the assistance of the expert science
28 team, shall prepare and submit to the Texas Water Development Board
29 a work plan. The work plan must:

30 (1) establish a periodic review of the critical period
31 management plan, to occur at least once every five years;

(E)

(2) prescribe specific monitoring, studies, and activities; and

(3) establish a schedule for continuing the validation or refinement of the critical period management plan adopted by the authority, and the strategies to achieve the plan.

(j) To assist the Texas Water Development Board to assess the extent to which the recommendations of the Edwards Aquifer area expert science team are considered and implemented, the authority shall provide written reports to the development board, at intervals determined by the development board, that describe:

(1) the actions taken in response to each recommendation; and

(2) for each recommendation not implemented, the reason it was not implemented.

SECTION ³⁴/₃. Subsections (b) and (i), Section 1.29, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, are amended to read as follows:

(b) The authority shall assess equitable aquifer management fees based on aquifer use under the water management plan to finance its administrative expenses and programs authorized under this article. Each water district governed by Chapter 36 [52], Water Code, that is within the authority's boundaries may contract with the authority to pay expenses of the authority through taxes in lieu of user fees to be paid by water users in the district. The contract must provide that the district will pay an amount equal to the amount that the water users in the district would have paid through user fees. The authority may not collect a total amount of fees and taxes that is more than is reasonably necessary for the administration of the authority.

(i) The authority shall provide money as necessary, but not to exceed \$75,000, annually adjusted for changes in the consumer

(E)

price index [~~five percent of the money collected under Subsection (d) of this section~~], to finance the South Central Texas Water Advisory Committee's administrative expenses and programs authorized under this article.

SECTION ~~35~~³. Subsection (a), Section 1.45, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(a) The authority may own, finance, design, construct, ~~[build or]~~ operate, and maintain recharge dams and associated facilities, structures, or works in the contributing or recharge area of the aquifer if the recharge is made to increase the yield of the aquifer and the recharge project does not impair senior water rights or vested riparian rights.

SECTION ~~36~~³. The following sections of Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, are repealed:

- (1) Subsections (b) and (d), Section 1.14;
- (2) Section 1.21; and
- (3) Subsections (a), (c), (d), and (h), Section 1.29.

SECTION ~~37~~³. (a) The executive administrator of the Texas Water Development Board shall appoint the initial appointed representatives for each groundwater management area council as provided by Section 36.108, Water Code, as amended by this Act, as soon as practicable on or after the effective date of this Act. The terms of the initial representatives for each groundwater management area council expire August 31, 2007.

(b) The Texas Water Development Board shall convene the groundwater management area councils required under Section 36.108, Water Code, as amended by this Act, not later than September 1, 2006.

(c) The Texas Commission on Environmental Quality and the Texas Water Development Board shall adopt any rules, models, and

forms necessary for the implementation of the groundwater management area planning functions required by this Act not later than September 1, 2006.

SECTION ~~38~~³. (a) A statewide groundwater management district consolidation stakeholders committee is established to study issues concerning the management of groundwater.

(b) The ^{groundwater management district consolidation stakeholders} committee is composed of the following members:

(1) five members appointed by the lieutenant governor;

(2) five members appointed by the speaker of the house of representatives;

(3) one member representing the Parks and Wildlife Department appointed by the Parks and Wildlife Commission;

(4) one member representing administrators of state-owned land overlying producible groundwater resources;

(5) one member representing the Texas Commission on Environmental Quality appointed by that commission; and

(6) one member representing the Texas Water Development Board appointed by that board.

(c) Of the members appointed under ^{Subdivision (1), of this section} Subsection (b) ~~(1)~~⁽²⁾:

(1) one member must represent municipalities using groundwater;

(2) one member must represent agricultural users of groundwater;

(3) one member must represent industrial users of groundwater;

(4) one member must represent groundwater conservation districts; and

(5) one member must represent owners of land that overlies producible groundwater.

(d) Of the members appointed under ^{Subdivision (2), of this section} Subsection (b) ~~(1)~~⁽²⁾:

(1) one member must represent municipalities using

1 groundwater;

2 (2) one member must represent agricultural users of
3 groundwater;

4 (3) one member must represent industrial users of
5 groundwater;

6 (4) one member must represent groundwater
7 conservation districts; and

8 (5) one member must represent owners of land that
9 overlies producible groundwater.

10 (e) The groundwater management district consolidation
11 stakeholders committee may appoint a technical advisory committee
12 of up to nine members to assist the stakeholders committee in
13 addressing the technical aspects of the issues to be studied.

14 (f) For each groundwater management area, the groundwater
15 management district consolidation stakeholders committee shall
16 address the following issues:

17 (1) the appropriate management goals for groundwater
18 in the groundwater management area;

19 (2) the appropriate science to use to determine the
20 availability of groundwater in the groundwater management area;

21 (3) the well permitting strategy of each groundwater
22 conservation district in the groundwater management area;

23 (4) the effect of each well permitting strategy used
24 in the groundwater management area on landowners in the groundwater
25 management area;

26 (5) the effect of each well permitting strategy used
27 in the groundwater management area on users of water produced from
28 land in the groundwater management area;

29 (6) the effectiveness of each well permitting strategy
30 used in the groundwater management area in meeting the management
31 goals of the groundwater management area;

Insert (E)

(7) whether the differences in well permitting strategies used in the groundwater management area are justified by differences in groundwater resources in the groundwater management area; and

(8) whether the public interest would be advanced by the consolidation of one or more groundwater conservation districts with other groundwater conservation districts in the groundwater management area.

(g) Not later than December 1, 2006, the groundwater management district consolidation stakeholders committee shall report the results of its study of the issues described by Subsection (f) ^{of this section} to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each standing committee of the senate and house of representatives having jurisdiction over groundwater issues.

ADOPTED

MAY 12 2005

Letty Saw
Secretary of the Senate

FLOOR AMENDMENT NO. 3

BY: *K. Ambrose*

1 Amend C.S.S.B. No. 1451 by inserting the following
2 appropriately numbered SECTIONS and renumbering subsequent
3 SECTIONS accordingly:

*Insert
FA#3
at* SECTION 24₃. Chapter 325, Government Code, is amended by
4 adding Sections 325.025 and 325.026 to read as follows: *Insert
continues
to end*

5 Sec. 325.025. GROUNDWATER CONSERVATION DISTRICTS SUBJECT
6 TO REVIEW. (a) A groundwater conservation district listed in
7 Subsection (b) is subject to review under this chapter as if it were
8 a state agency but is not abolished under this chapter.

9 (b) This section applies only to:

10 (1) Anderson County Underground Water Conservation
11 District;

12 (2) Bandera County River Authority and Groundwater
13 District;

14 (3) Barton Springs-Edwards Aquifer Conservation
15 District;

16 (4) Bee Groundwater Conservation District;

17 (5) Blanco Pedernales Groundwater Conservation
18 District;

19 (6) Bluebonnet Groundwater Conservation District;

20 (7) Brazoria County Groundwater Conservation
21 District;

22 (8) Brazos Valley Groundwater Conservation District;

23 (9) Brewster County Groundwater Conservation
24 District;

25 (10) Clear Fork Groundwater Conservation District;

26 (11) Clearwater Underground Water Conservation
27 District;

28 (12) Coastal Bend Groundwater Conservation District;
29

1 (13) Coastal Plains Groundwater Conservation
2 District;
3 (14) Coke County Underground Water Conservation
4 District;
5 (15) Collingsworth County Underground Water
6 Conservation District;
7 (16) Cow Creek Groundwater Conservation District;
8 (17) Crossroads Groundwater Conservation District;
9 (18) Culberson County Groundwater Conservation
10 District;
11 (19) Dallam County Underground Water Conservation
12 District No. 1;
13 (20) Edwards Aquifer Authority;
14 (21) Emerald Underground Water Conservation District;
15 (22) Evergreen Underground Water Conservation
16 District;
17 (23) Fayette County Groundwater Conservation
18 District;
19 (24) Fort Bend Subsidence District;
20 (25) Fox Crossing Water District;
21 (26) Garza County Underground and Fresh Water
22 Conservation District;
23 (27) Glasscock Groundwater Conservation District;
24 (28) Goliad County Groundwater Conservation District;
25 (29) Gonzales County Underground Water Conservation
26 District;
27 (30) Guadalupe County Groundwater Conservation
28 District;
29 (31) Harris-Galveston Coastal Subsidence District;
30 (32) Hays Trinity Groundwater Conservation District;
31 (33) Headwaters Groundwater Conservation District;

1 (34) Hemphill County Underground Water Conservation
2 District;
3 (35) Hickory Underground Water Conservation District
4 No. 1;
5 (36) High Plains Underground Water Conservation
6 District No. 1;
7 (37) Hill Country Underground Water Conservation
8 District;
9 (38) Hudspeth County Underground Water Conservation
10 District No. 1;
11 (39) Irion County Water Conservation District;
12 (40) Jeff Davis County Underground Water Conservation
13 District;
14 (41) Kenedy County Groundwater Conservation District;
15 (42) Kimble County Groundwater Conservation District;
16 (43) Kinney County Groundwater Conservation District;
17 (44) Lavaca County Groundwater Conservation District;
18 (45) Lipan-Kickapoo Water Conservation District;
19 (46) Live Oak Underground Water Conservation
20 District;
21 (47) Llano Estacado Underground Water Conservation
22 District;
23 (48) Lone Star Groundwater Conservation District;
24 (49) Lone Wolf Groundwater Conservation District;
25 (50) Lost Pines Groundwater Conservation District;
26 (51) Lower Seymour Groundwater Conservation District;
27 (52) McMullen Groundwater Conservation District;
28 (53) Medina County Underground Water Conservation
29 District;
30 (54) Menard County Underground Water ~~Conservation~~
31 District;

1 (55) Mesa Underground Water Conservation District;
2 (56) Mid-East Texas Groundwater Conservation
3 District;
4 (57) Middle Pecos Groundwater Conservation District;
5 (58) Middle Trinity Groundwater Conservation
6 District;
7 (59) Neches and Trinity Valleys Groundwater
8 Conservation District;
9 (60) North Plains Groundwater Conservation District
10 No. Two;
11 (61) Panhandle Groundwater Conservation District;
12 (62) Pecan Valley Groundwater Conservation District;
13 (63) Permian Basin Underground Water Conservation
14 District;
15 (64) Pineywoods Groundwater Conservation District;
16 (65) Plateau Underground Water Conservation and
17 Supply District;
18 (66) Plum Creek Conservation District;
19 (67) Post Oak Savannah Groundwater Conservation
20 District;
21 (68) Presidio County Underground Water Conservation
22 District;
23 (69) Real-Edwards Conservation and Reclamation
24 District;
25 (70) Red Sands Groundwater Conservation District;
26 (71) Refugio Groundwater Conservation District;
27 (72) Rolling Plains Groundwater Conservation
28 District;
29 (73) Rusk County Groundwater Conservation District;
30 (74) Salt Fork Underground Water Conservation
31 District;

1 (75) Sandy Land Underground Water Conservation
2 District;
3 (76) Santa Rita Underground Water Conservation
4 District;
5 (77) Saratoga Underground Water Conservation
6 District;
7 (78) South Plains Underground Water Conservation
8 District;
9 (79) Southeast Texas Groundwater Conservation
10 District;
11 (80) Sterling County Underground Water Conservation
12 District;
13 (81) Sutton County Underground Water Conservation
14 District;
15 (82) Texana Groundwater Conservation District;
16 (83) Tri-County Groundwater Conservation District;
17 (84) Trinity Glen Rose Groundwater Conservation
18 District;
19 (85) Uvalde County Underground Water Conservation
20 District;
21 (86) Wes-Tex Groundwater Conservation District; and
22 (87) Wintergarden Groundwater Conservation District.

23 Sec. 325.026. SCHEDULE OF REVIEW FOR GROUNDWATER
24 CONSERVATION DISTRICTS. (a) The groundwater conservation
25 districts listed in Section 325.025 shall be reviewed according to
26 the schedule provided by Subsections (b)-(g).

27 (b) During the periods in which state agencies abolished in
28 2007 and every 12th year after 2007 are reviewed, the following
29 districts shall be reviewed:

30 (1) Collingsworth County Underground Water
31 Conservation District;

1 (2) Dallam County Underground Water Conservation
2 District No. 1;

3 (3) Garza County Underground and Fresh Water
4 Conservation District;

5 (4) Hemphill County Underground Water Conservation
6 District;

7 (5) High Plains Underground Water Conservation
8 District No. 1;

9 (6) Llano Estacado Underground Water Conservation
10 District;

11 (7) Lower Seymour Groundwater Conservation District;

12 (8) Mesa Underground Water Conservation District;

13 (9) North Plains Groundwater Conservation District

14 No. Two;

15 (10) Panhandle Groundwater Conservation District;

16 (11) Salt Fork Underground Water Conservation

17 District;

18 (12) Sandy Land Underground Water Conservation

19 District;

20 (13) South Plains Underground Water Conservation

21 District;

22 (14) Fort Bend Subsidence District; and

23 (15) Harris-Galveston Coastal Subsidence District.

24 (c) During the periods in which state agencies abolished in
25 2009 and every 12th year after 2009 are reviewed, the following
26 districts shall be reviewed:

27 (1) Bandera County River Authority and Groundwater
28 District;

29 (2) Blanco ✓ Pedernales Groundwater Conservation
30 District;

31 (3) Brewster County Groundwater Conservation

1 District;
2 (4) Cow Creek Groundwater Conservation District;
3 (5) Culberson County Groundwater Conservation
4 District;
5 (6) Emerald Underground Water Conservation District;
6 (7) Headwaters Groundwater Conservation District;
7 (8) Hickory Underground Water Conservation District
8 No. 1;
9 (9) Hill Country Underground Water Conservation
10 District;
11 (10) Hudspeth County Underground Water Conservation
12 District No. 1;
13 (11) Jeff Davis County Underground Water Conservation
14 District;
15 (12) Kimble County Groundwater Conservation District;
16 (13) Kinney County Groundwater Conservation District;
17 (14) Medina County Underground Water Conservation
18 District;
19 (15) Menard County Underground Water Conservation
20 District;
21 (16) Middle Pecos Groundwater Conservation District;
22 (17) Plateau Underground Water Conservation and
23 Supply District;
24 (18) Presidio County Underground Water Conservation
25 District;
26 (19) Real-Edwards Conservation and Reclamation
27 District;
28 (20) Sutton County Underground Water Conservation
29 District; and
30 (21) Uvalde County Underground Water Conservation
31 District.

1 (d) During the periods in which state agencies abolished in
2 2011 and every 12th year after 2011 are reviewed, the following
3 districts shall be reviewed:

4 (1) Brazoria County Groundwater Conservation
5 District;

6 (2) Clear Fork Groundwater Conservation District;

7 (3) Coke County Underground Water Conservation
8 District;

9 (4) Crossroads Groundwater Conservation District;

10 (5) Glasscock Groundwater Conservation District;

11 (6) Irion County Water Conservation District;

12 (7) Lipan-Kickapoo Water Conservation District;

13 (8) Lone Wolf Groundwater Conservation District;

14 (9) Permian Basin Underground Water Conservation
15 District;

16 (10) Rolling Plains Groundwater Conservation
17 District;

18 (11) Santa Rita Underground Water Conservation
19 District;

20 (12) Sterling County Underground Water Conservation
21 District;

22 (13) Tri-County Groundwater Conservation District;
23 and

24 (14) Wes-Tex Groundwater Conservation District.

25 (e) During the periods in which state agencies abolished in
26 2013 and every 12th year after 2013 are reviewed, the following
27 districts shall be reviewed:

28 (1) Bee Groundwater Conservation District;

29 (2) Edwards Aquifer Authority;

30 (3) Evergreen Underground Water Conservation
31 District;

1 (4) Goliad County Groundwater Conservation District;
2 (5) Kenedy County Groundwater Conservation District;
3 (6) Live Oak Underground Water Conservation District;
4 (7) McMullen Groundwater Conservation District;
5 (8) Red Sands Groundwater Conservation District;
6 (9) Refugio Groundwater Conservation District;
7 (10) Trinity Glen Rose Groundwater Conservation
8 District; and
9 (11) Wintergarden Groundwater Conservation District.

10 (f) During the periods in which state agencies abolished in
11 2015 and every 12th year after 2015 are reviewed, the following
12 districts shall be reviewed:

13 (1) Barton Springs-Edwards Aquifer Conservation
14 District;
15 (2) Coastal Bend Groundwater Conservation District;
16 (3) Coastal Plains Groundwater Conservation District;
17 (4) Fayette County Groundwater Conservation District;
18 (5) González County Underground Water Conservation
19 District;
20 (6) Guadalupe County Groundwater Conservation
21 District;
22 (7) Hays Trinity Groundwater Conservation District;
23 (8) Lavaca County Groundwater Conservation District;
24 (9) Lost Pines Groundwater Conservation District;
25 (10) Pecan Valley Groundwater Conservation District;
26 (11) Plum Creek Conservation District; and
27 (12) Texana Groundwater Conservation District.

28 (g) During the periods in which state agencies abolished in
29 2017 and every 12th year after 2017 are reviewed, the following
30 districts shall be reviewed:

31 (1) Anderson County Underground Water Conservation

1 District;
2 (2) Bluebonnet Groundwater Conservation District;
3 (3) Brazos Valley Groundwater Conservation District;
4 (4) Clearwater Underground Water Conservation
5 District;
6 (5) Fox Crossing Water District;
7 (6) Lone Star Groundwater Conservation District;
8 (7) Mid-East Texas Groundwater Conservation District;
9 (8) Middle Trinity Groundwater Conservation District;
10 (9) Neches and Trinity Valleys Groundwater
11 Conservation District;
12 (10) Pineywoods Groundwater Conservation District;
13 (11) Post Oak Savannah Groundwater Conservation
14 District;
15 (12) Rusk County Groundwater Conservation District;
16 (13) Saratoga Underground Water Conservation
17 District; and
18 (14) Southeast Texas Groundwater Conservation
19 District.



By: Averitt

S.B. No. 1451

A BILL TO BE ENTITLED

AN ACT

relating to the management of groundwater.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter F, Chapter 15, Water Code, is amended by adding Section 15.4062 to read as follows:

Sec. 15.4062. FUNDING FOR GROUNDWATER MANAGEMENT COORDINATION. (a) The board may enter into a contract with a political subdivision designated as a representative of a groundwater management area council established under Section 36.108 to pay from the research and planning fund all or part of the cost of performing the groundwater management area planning functions required of the groundwater management area council under Section 36.108.

(b) A political subdivision may submit, either individually or jointly with other political subdivisions, a written application to the board to request assistance paying for the planning functions required under Section 36.108.

(c) The application must be in the manner and form prescribed by board rules and include:

(1) the name of each political subdivision participating in the application;

(2) a citation to each law under which each political subdivision was created and is operating, including specific citation of any law providing authority to perform the functions

1 under Section 36.108;

2 (3) the amount of money being requested; and

3 (4) any other relevant information required by board
4 rules or specifically requested by the board.

5 (d) After providing notice of and conducting a hearing on
6 the application, the board may award the applicant the amount of
7 money the board considers necessary to perform the functions under
8 Section 36.108.

9 (e) If the board grants an application under this section
10 and awards money, the board shall enter into a contract with each
11 participating political subdivision that includes:

12 (1) a detailed statement of the purpose for which the
13 money is to be used;

14 (2) the total amount of the award to be paid by the
15 board from the research and planning fund; and

16 (3) any other terms and conditions required by board
17 rules or agreed to by the contracting parties.

18 (f) The board shall adopt rules establishing criteria for
19 making grants of money under this section that include:

20 (1) the relative need of the political subdivision for
21 the money;

22 (2) the legal authority of the political subdivision
23 to perform the duties required under the contract; and

24 (3) the degree to which groundwater management area
25 planning by each political subdivision for the groundwater
26 management area council will address the issues of groundwater
27 management in the groundwater management area.

1 (g) The board may not award money under this section if
2 existing information is sufficient for the performance of functions
3 under Section 36.108.

4 (h) The board shall require that information developed or
5 revised under a contract entered into under this section be made
6 available to the commission, the Department of Agriculture, and the
7 Parks and Wildlife Department.

8 SECTION 2. Subchapter B, Chapter 16, Water Code, is amended
9 by adding Section 16.0122 to read as follows:

10 Sec. 16.0122. TECHNICAL ASSISTANCE FOR GROUNDWATER
11 MANAGEMENT AREAS. For each groundwater management area established
12 under Section 35.007, the executive administrator shall provide one
13 or more employees of the board to assist the groundwater management
14 area council and the districts in the council's groundwater
15 management area. The employees shall provide assistance:

16 (1) training district employees or the district board
17 on basic data collection protocols;

18 (2) collecting and interpreting information;

19 (3) providing technical services or expertise;

20 (4) conducting hydrogeologic investigations;

21 (5) providing groundwater availability modeling;

22 (6) developing a district's groundwater management
23 plan;

24 (7) preparing for or conducting a joint planning
25 effort for districts in a groundwater management area or for a
26 district and a regional water planning group established under
27 Section 16.053, including assistance in avoiding and resolving

conflicts; and

(8) providing education.

SECTION 3. Section 16.053, Water Code, is amended by amending Subsections (c) and (e) and adding Subsection (d-1) to read as follows:

(c) No later than 60 days after the designation of the regions under Subsection (b), the board shall designate representatives within each regional water planning area to serve as the initial coordinating body for planning. The initial coordinating body may then designate additional representatives to serve on the regional water planning group. The initial coordinating body shall designate additional representatives if necessary to ensure adequate representation from the interests comprising that region, including the public, counties, municipalities, industries, agricultural interests, environmental interests, small businesses, electric generating utilities, river authorities, water districts, and water utilities. The regional water planning group shall maintain adequate representation from those interests. In addition, representatives of the board, the Parks and Wildlife Department, and the Department of Agriculture shall serve as ex officio members of each regional water planning group. If a regional water planning area includes land dedicated to the permanent university fund, the executive director of University Lands--West Texas Operations serves as a nonvoting member of the regional water planning group for that area.

(d-1) The applicable groundwater management area councils shall provide to each regional water planning group and the board

1 their adopted estimates of the amount of managed available
2 groundwater in each applicable groundwater management area.

3 (e) Each regional water planning group shall submit to the
4 board a regional water plan that:

5 (1) is consistent with the guidance principles for the
6 state water plan adopted by the board under Section 16.051(d);

7 (2) provides information based on data provided or
8 approved by the board in a format consistent with the guidelines
9 provided by the board under Subsection (d);

10 (3) identifies:

11 (A) each source of water supply in the regional
12 water planning area, including information supplied by the
13 applicable groundwater management area councils under Subsection
14 (d-1) on the amount of managed available groundwater in the
15 applicable groundwater management areas, in accordance with the
16 guidelines provided by the board under Subsections (d) and (f);

17 (B) factors specific to each source of water
18 supply to be considered in determining whether to initiate a
19 drought response; and

20 (C) actions to be taken as part of the response;

21 (4) has specific provisions for water management
22 strategies to be used during a drought of record;

23 (5) includes but is not limited to consideration of
24 the following:

25 (A) any existing water or drought planning
26 efforts addressing all or a portion of the region;

27 (B) approved [~~certified~~] groundwater

1 conservation district management plans and other plans submitted
2 under Section 16.054;

3 (C) all potentially feasible water management
4 strategies, including but not limited to improved conservation,
5 reuse, and management of existing water supplies, acquisition of
6 available existing water supplies, and development of new water
7 supplies, including, if appropriate, groundwater produced from
8 land dedicated to the permanent school fund or permanent university
9 fund;

10 (D) protection of existing water rights in the
11 region;

12 (E) opportunities for and the benefits of
13 developing regional water supply facilities or providing regional
14 management of water supply facilities;

15 (F) appropriate provision for environmental
16 water needs and for the effect of upstream development on the bays,
17 estuaries, and arms of the Gulf of Mexico and the effect of plans on
18 navigation;

19 (G) provisions in Section 11.085(k)(1) if
20 interbasin transfers are contemplated;

21 (H) voluntary transfer of water within the region
22 using, but not limited to, regional water banks, sales, leases,
23 options, subordination agreements, and financing agreements; and

24 (I) emergency transfer of water under Section
25 11.139, including information on the part of each permit, certified
26 filing, or certificate of adjudication for nonmunicipal use in the
27 region that may be transferred without causing unreasonable damage

S.B. No. 1451

1 to the property of the nonmunicipal water rights holder;

2 (6) identifies river and stream segments of unique
3 ecological value and sites of unique value for the construction of
4 reservoirs that the regional water planning group recommends for
5 protection under Section 16.051;

6 (7) assesses the impact of the plan on unique river and
7 stream segments identified in Subdivision (6) if the regional water
8 planning group or the legislature determines that a site of unique
9 ecological value exists; and

10 (8) describes the impact of proposed water projects on
11 water quality.

12 SECTION 4. Subsection (c), Section 35.004, Water Code, is
13 amended to read as follows:

14 (c) The Texas Water Development Board may not alter the
15 boundaries of designated management areas ~~[as required by future~~
16 ~~conditions and as justified by factual data. An alteration of~~
17 ~~boundaries does not invalidate the previous creation of any~~
18 ~~district]~~.

19 SECTION 5. Subsection (a), Section 35.007, Water Code, is
20 amended to read as follows:

21 (a) The executive director and the executive administrator
22 shall meet periodically to identify, based on information gathered
23 by the commission and the Texas Water Development Board, those
24 areas of the state that are experiencing or that are expected to
25 experience, within the immediately following 50-year ~~[25-year]~~
26 period, critical groundwater problems, including shortages of
27 surface water or groundwater, land subsidence resulting from

groundwater withdrawal, and contamination of groundwater supplies. Not later than September 1, 2005, the commission, with assistance and cooperation from the Texas Water Development Board, shall complete the initial designation of priority groundwater management areas across all major and minor aquifers of the state for all areas that meet the criteria for that designation. The studies may be prioritized considering information from the regional planning process, information from the Texas Water Development Board groundwater management areas and from groundwater conservation districts, and any other information available. After the initial designation of priority groundwater management areas, the commission and the Texas Water Development Board shall annually review the need for additional designations as provided by this subsection.

SECTION 6. Section 35.009, Water Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The commission shall also give written notice of the date, time, place, and purpose of the hearing to:

(1) each state senator and state representative who represents any part of the area proposed for designation as a priority groundwater management area; and

(2) the governing body of each county, regional water planning group, adjacent groundwater district, municipality, river authority, water district, or other entity which supplies public drinking water, including each holder of a certificate of convenience and necessity issued by the commission, and of each

1 irrigation district, located either in whole or in part in the
2 priority groundwater management area or proposed priority
3 groundwater management area.

4 (d) The notice required under Subsection (c) must be given
5 before the 30th day preceding the date set for the hearing.

6 SECTION 7. Subsection (b), Section 35.018, Water Code, is
7 amended to read as follows:

8 (b) The report must include:

9 (1) the names and locations of all priority
10 groundwater management areas and districts created or attempted to
11 be created on or after November 5, 1985, the effective date of
12 Chapter 133 (H.B. No. 2), Acts of the 69th Legislature, Regular
13 Session, 1985;

14 (2) the authority under which each priority
15 groundwater management area and district was proposed for creation;

16 (3) a detailed analysis of each election held to
17 confirm the creation of a district, including analysis of election
18 results, possible reasons for the success or failure to confirm the
19 creation of a district, and the possibility for future voter
20 approval of districts in areas in which attempts to create
21 districts failed;

22 (4) a detailed analysis of the activities of each
23 district created, including those districts which are implementing
24 management plans approved [~~certified~~] under Section 36.1072;

25 (5) a report on [~~audits performed on districts under~~
26 ~~Section 36.302 and~~] remedial actions taken under Section 36.303;

27 (6) recommendations for changes in this chapter and

Chapter 36 that will facilitate the creation of priority groundwater management areas and the creation and operation of districts;

(7) a report on educational efforts in newly designated priority groundwater management areas; and

(8) any other information and recommendations that the commission considers relevant.

SECTION 8. Section 36.001, Water Code, is amended by adding Subdivision (24) to read as follows:

(24) "Managed available groundwater" means the amount of water that may be permitted by a district for beneficial use in accordance with the desired future condition of the aquifer as determined by the groundwater management area council.

SECTION 9. Section 36.0015, Water Code, is amended to read as follows:

Sec. 36.0015. PURPOSE. In order to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and to control subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution, groundwater conservation districts may be created as provided by this chapter. ~~[Groundwater conservation districts created as provided by this chapter are the state's preferred method of groundwater management through rules developed, adopted, and promulgated by a district in accordance with the provisions of this chapter.]~~

SECTION 10. Subchapter A, Chapter 36, Water Code, is amended by adding Section 36.0016 to read as follows:

Sec. 36.0016. POLICY GOAL. It is the policy goal of this chapter to ensure the consistent management of groundwater in a shared management area by the groundwater conservation districts located in that area.

SECTION 11. Subsections (a), (b), and (d) through (g), Section 36.1071, Water Code, are amended to read as follows:

(a) Following notice and hearing, the district shall, in coordination with surface water management entities on a regional basis, develop a comprehensive management plan which addresses the following management goals, as applicable:

(1) providing the most efficient use of groundwater;
(2) controlling and preventing waste of groundwater;
(3) controlling and preventing subsidence;
(4) addressing conjunctive surface water management issues;

(5) addressing natural resource issues;

(6) addressing drought conditions; ~~and~~

(7) addressing conservation, recharge enhancement, rainwater harvesting, precipitation enhancement, or brush control, where appropriate and cost-effective;

(8) addressing a data collection program that meets standards established by Texas Water Development Board rules; and

(9) addressing in a quantitative manner the desired future conditions for the groundwater resources within the district established by the groundwater management area council under

1 Section 36.108.

2 (b) A [~~After January 5, 2002, a~~] district management plan,
3 or any amendments to a district management plan, shall be developed
4 by the district using the district's best available data and
5 forwarded to the regional water planning group for use
6 [~~consideration~~] in their planning process.

7 (d) The commission shall provide technical assistance to a
8 district during its initial operational phase. If requested by a
9 district, the Texas Water Development Board shall train the
10 district on basic information collection methodology and provide
11 technical assistance to districts as provided by Section 16.0122.

12 (e) In the management plan described under Subsection (a),
13 the district shall:

14 (1) identify the performance standards and management
15 objectives under which the district will operate to achieve the
16 management goals identified under Subsection (a);

17 (2) specify, in as much detail as possible, the
18 actions, procedures, performance, and avoidance that are or may be
19 necessary to effect the plan, including specifications and proposed
20 rules;

21 (3) include estimates of the following:

22 (A) managed available [~~the existing total usable~~
23 ~~amount of~~] groundwater in the district as provided by the executive
24 administrator and based on the desired future condition of the
25 aquifers established by the groundwater management area council
26 under Section 36.108;

27 (B) the amount of groundwater [~~being~~] used within

the district on an annual basis for each of the preceding 10 years;

(C) the annual amount of recharge, if any, to the groundwater resources within the district and how natural or artificial recharge may be increased; and

(D) the projected water supply and projected demand for water within the district; and

(4) address water supply needs in a manner that is not in conflict with the adopted state [~~appropriate approved regional~~] water plan [~~if a regional water plan has been approved under Section 16.053~~].

(f) The district shall adopt rules necessary to implement the management plan. Before the development of the management plan and its approval under Section 36.1072, the district may not adopt rules other than rules pertaining to the registration and continued operation of existing wells and rules governing procedure before the district's board. The district may accept applications for permits under Section 36.113, except that the district may not act on any such application until the district's management plan is approved as provided by Section 36.1072, unless special circumstances are demonstrated that necessitate granting one or more interim authorizations to drill and operate new wells before the management plan's approval.

(g) The district [~~board~~] shall adopt amendments to the management plan as necessary. Amendments to the management plan shall be adopted after notice and hearing and shall otherwise comply with the requirements of this section.

SECTION 12. Section 36.1072, Water Code, is amended to read

as follows:

Sec. 36.1072. COUNCIL [~~TEXAS WATER DEVELOPMENT BOARD~~]
REVIEW AND APPROVAL [~~CERTIFICATION~~] OF MANAGEMENT PLAN. (a) A
district shall, not later than three [~~two~~] years after the creation
of the district or, if the district required confirmation, after
the election confirming the district's creation, submit the
management plan required under Section 36.1071 to the executive
administrator for review and comment and to the groundwater
management area council for review and approval [~~certification~~].
The executive administrator shall provide comments to the
groundwater management area council and groundwater district on the
plan, including whether the plan contains goals and objectives
consistent with achieving the desired future condition of the
relevant aquifers as adopted by the groundwater management area
council under Section 36.108.

(b) Within 60 days of receipt of a management plan adopted
under Section 36.1071, readopted under Subsection (e) of this
section, or amended under Section 36.1073, the council [~~executive~~
~~administrator~~] shall approve [~~certify~~] a management plan that
contains goals and objectives consistent with achieving the desired
future condition of the relevant aquifers as adopted by the
groundwater management area council under Section 36.108 and that
contains [~~if the plan is administratively complete. A management~~
~~plan is administratively complete when it contains~~] the information
required to be submitted under Section 36.1071. The groundwater
management area council [~~executive administrator~~] may determine
whether [~~that~~] conditions justify waiver of the requirements under

1 Section 36.1071(e)(4).

2 (c) Once the groundwater management area council has
3 approved a ~~[determination that a]~~ management plan ~~[is~~
4 ~~administratively complete has been made]~~:

5 (1) the council ~~[executive administrator]~~ may not
6 revoke but may suspend the approval as provided by Subsection (g)
7 ~~[determination that a management plan is administratively~~
8 ~~complete]~~; and

9 (2) the council ~~[executive administrator]~~ may request
10 additional information from the district if the information is
11 necessary to clarify, modify, or supplement previously submitted
12 material, but ~~[, and~~

13 ~~[+3)]~~ a request for additional information does not
14 render the management plan unapproved ~~[incomplete]~~.

15 (d) A management plan takes effect on approval
16 ~~[certification]~~ by the groundwater management area council
17 ~~[executive administrator]~~ or, if appealed, on approval
18 ~~[certification]~~ by the Texas Water Development Board.

19 (e) The district ~~[board]~~ may review the plan annually and
20 must review and readopt the plan with or without revisions at least
21 once every five years. The district shall provide the readopted
22 plan to the executive administrator and groundwater management area
23 council not later than the 60th day after the date on which the plan
24 was readopted. Approval of the preceding management plan remains
25 in effect until:

26 (1) the district fails to timely readopt a management
27 plan;

(2) the district fails to timely submit the district's readopted management plan to the executive administrator or the council; or

(3) the council determines that the readopted management plan does not meet the requirements for approval, and the district has exhausted all appeals to the Texas Water Development Board.

(f) If the groundwater management area council [~~executive administrator~~] does not approve [~~certify~~] the management plan, the council [~~executive administrator~~] shall provide to the district, in writing, the reasons for the action. Not later than the 180th day after the date a district receives notice that its management plan has not been approved [~~certified~~], the district may submit a revised management plan for review and approval [~~certification~~]. The council's [~~executive administrator's~~] decision may be appealed to the Texas Water Development Board. The decision of the Texas Water Development Board on whether to approve [~~certify~~] the management plan may [~~not~~] be appealed to a district court in the county where the district is headquartered. The commission shall not take enforcement action against a district under Subchapter I until the later of the expiration of the 180-day period or the date the Texas Water Development Board has taken final action withholding approval [~~certification~~] of a revised management plan.

(g) In this subsection, "development board" means the Texas Water Development Board, and "council" means the groundwater management area council. A person with a legally defined interest in groundwater in a district or the regional water planning group

1 may file a petition with the council [~~board~~] stating that a conflict
2 requiring resolution may exist between the district's approved
3 [~~certified groundwater conservation district~~] management plan
4 developed under Section 36.1071 and the state water plan. If a
5 conflict exists, the council [~~board~~] shall facilitate coordination
6 between the involved person or regional water planning group and
7 the district to resolve the conflict. If conflict remains, the
8 council shall petition the development board to [~~shall~~] resolve the
9 conflict. The development board action under this provision may be
10 consolidated, at the option of the development board, with related
11 action under Section 16.053(p). If the development board
12 determines that resolution of the conflict requires a revision of
13 the approved [~~certified groundwater conservation district~~]
14 management plan, the council [~~board~~] shall suspend the approval
15 [~~certification~~] of the plan and provide information to the
16 district. The district shall prepare any revisions to the plan
17 specified by the council [~~board~~] and shall hold, after notice, at
18 least one public hearing at some central location within the
19 district. The district shall consider all public and development
20 board comments, prepare, revise, and adopt its plan, and submit the
21 revised plan to the council [~~board~~] for approval [~~certification~~].
22 On the request of the district or the regional water planning group,
23 the development board shall include discussion of the conflict and
24 its resolution in the state water plan that the development board
25 provides to the governor, the lieutenant governor, and the speaker
26 of the house of representatives under Section 16.051(e).

27 SECTION 13. Section 36.1073, Water Code, is amended to read

as follows:

Sec. 36.1073. AMENDMENT TO MANAGEMENT PLAN. Any amendment to the management plan shall be submitted to the groundwater management area council and the executive administrator for review and comment within 60 days following adoption of the amendment by the district's board. The council [~~executive administrator~~] shall review and approve and the executive administrator shall review and comment on [~~certify~~] any amendment which substantially affects the management plan in accordance with the procedures established under Section 36.1072.

SECTION 14. Subchapter D, Chapter 36, Water Code, is amended by amending Section 36.108 and adding Sections 36.1081 and 36.1082 to read as follows:

Sec. 36.108. GROUNDWATER MANAGEMENT AREA COUNCIL; [JOINT] PLANNING IN MANAGEMENT AREA. (a) In this section, "development board" means the Texas Water Development Board.

(b) The development board shall establish a groundwater management area council for each management area designated under Section 35.004 and shall appoint the members of the council, except as provided by this section. The groundwater management area council shall ensure the coordination of groundwater management in each management area.

(c) Each groundwater management area council is composed of the following representatives:

(1) the presiding officer of each groundwater conservation district in the groundwater management area or the presiding officer's designee;

1 (2) one additional representative of each multicounty
2 groundwater conservation district, if the district chooses to
3 appoint one; and

4 (3) residents of a district in the groundwater
5 management area appointed by the development board as follows:

6 (A) one representative of retail water utility or
7 municipal interests located wholly or partly in the groundwater
8 management area;

9 (B) one representative of a regional water
10 planning group, as designated under Section 16.053, to represent
11 all the regional water planning groups located wholly or partly in
12 the groundwater management area;

13 (C) one representative of agricultural interests
14 who is an individual actively engaged in production agriculture;

15 (D) one representative of industrial or
16 manufacturing interests located wholly or partly in the groundwater
17 management area; and

18 (E) if applicable, one representative who holds a
19 permit from a district to use groundwater outside the boundaries of
20 the district.

21 (d) If the number of representatives on the groundwater
22 management area council that results from the application of
23 Subsection (c) is an even number, the representatives shall appoint
24 an additional representative by a two-thirds vote of those
25 representatives. The additional member must be a resident of a
26 district in the groundwater management area with a reasonable
27 knowledge of groundwater issues and hydrology in the area.

1 (e) The groundwater management area council shall elect one
2 of the representatives as presiding officer of the council.

3 (f) A person appointed under Subsection (c)(3) or (d) may
4 not be an employee or officer of a district or a state or federal
5 agency.

6 (g) A member of the council appointed under Subsection
7 (c)(3) or (d) serves a two-year term expiring August 31 of each
8 odd-numbered year. If a vacancy occurs, the council shall appoint a
9 successor not later than the 60th day after the date the council
10 receives notice of the vacancy.

11 (h) After funding is made available and not later than the
12 fifth anniversary of the appointment of a groundwater management
13 area council, and at least every fifth year after that anniversary,
14 each groundwater management area council shall adopt a statement
15 that in a quantified manner provides an estimate of the managed
16 available groundwater in the groundwater management area and
17 describes the desired future conditions of each aquifer in the
18 groundwater management area, which may include protection of
19 springflow in the area.

20 (i) A groundwater management area council may:

21 (1) in coordination with the executive administrator,
22 perform areawide hydrogeologic studies and modeling as supplements
23 to the groundwater availability models obtained or developed by the
24 executive administrator under Section 16.012;

25 (2) coordinate with a district, regional water
26 planning group, political subdivision, the commission, the
27 development board, or any other person or entity regarding

1 groundwater management;

2 (3) establish groundwater monitoring networks in the
3 groundwater management area; and

4 (4) designate a political subdivision to perform a
5 duty required by this section, including by executing a necessary
6 contract.

7 (j) In adopting the desired future conditions of each
8 aquifer under Subsection (h), each groundwater management area
9 council shall:

10 (1) use groundwater availability models developed by
11 the executive administrator or other information approved by the
12 executive administrator; and

13 (2) consider recommendations that districts or other
14 interested persons in the groundwater management area propose.

15 (k) The commission and the development board shall provide
16 technical assistance to a groundwater management area council in
17 the development of the statement adopted under Subsection (h).

18 (l) Each groundwater management area council shall submit
19 the council's final statement adopted under Subsection (h) to the
20 executive administrator for review and comment. If the development
21 board finds that the submitted statement and estimate are in
22 conflict with the state water plan or the groundwater availability
23 adopted by the development board for the council's groundwater
24 management area, the development board shall provide comment and
25 recommendations to the council to resolve the conflict. The
26 council shall amend the adopted statement and estimate accordingly.
27 The executive administrator shall provide an estimate of managed

1 available groundwater to the groundwater management area council
2 based on the council's statement adopted under Subsection (h).

3 (m) Each groundwater management area council shall:

4 (1) conduct all meetings in accordance with Chapter
5 551, Government Code;

6 (2) provide notice for each meeting in the manner
7 prescribed by Chapter 551, Government Code, for a district board of
8 directors meeting; and

9 (3) comply with the provisions of Chapter 552,
10 Government Code.

11 (n) A cause of action does not accrue against a groundwater
12 management area council, a representative serving on a groundwater
13 management area council, or an employee of a political subdivision
14 designated under Subsection (i)(4) for an act or omission if the
15 council, representative, or employee committed the act or omission
16 while acting in good faith and in the course and scope of the
17 council's, representative's, or employee's work related to the
18 groundwater management area council.

19 (o) A groundwater management area council, a representative
20 serving on a groundwater management area council, or an employee of
21 a political subdivision designated under Subsection (i)(4) is not
22 liable for damages arising from an act or omission if the council,
23 representative, or employee committed the act or omission while
24 acting in good faith and in the course and scope of the council's,
25 representative's, or employee's work related to the groundwater
26 management area council.

27 (p) On request, the attorney general shall represent a

1 groundwater management area council, a representative serving on a
2 groundwater management area council, or an employee of a political
3 subdivision designated under Subsection (i)(4) in a suit arising
4 from an act or omission relating to the groundwater management area
5 council.

6 (q) A person with a legally defined interest in the
7 groundwater in the groundwater management area, a district in or
8 adjacent to the groundwater management area, or a regional water
9 planning group for a region in the groundwater management area may
10 file a petition with the development board appealing the approval
11 of the groundwater management area plan. The petition must provide
12 evidence that:

13 (1) the groundwater management area plan does not
14 establish a reasonable desired future condition of the groundwater
15 resources in the groundwater management area;

16 (2) the management area plan does not establish
17 reasonable groundwater availability for the district; or

18 (3) the groundwater in the groundwater management area
19 will not be adequately protected.

20 (r) The development board shall review the petition and any
21 evidence relevant to the petition. The development board shall
22 hold at least one hearing at a central location in the management
23 area to take testimony on the petition. The development board may
24 delegate responsibility for a hearing to the executive
25 administrator or to a person designated by the executive
26 administrator. If the development board finds that the groundwater
27 management area plan requires revision, the development board shall

submit a report to the groundwater management area council that includes a list of findings and recommended revisions to the groundwater management area plan.

(s) The groundwater management area council shall prepare a revised plan in accordance with development board recommendations and hold, after notice, at least one public hearing at a central location in the groundwater management area. After consideration of all public and development board comments, the council shall revise the plan and submit the plan to the development board for review

~~[If two or more districts are located within the boundaries of the same management area, each district shall prepare a comprehensive management plan as required by Section 36.1071 covering that district's respective territory. On completion and certification of the plan as required by Section 36.1072, each district shall forward a copy of the new or revised management plan to the other districts in the management area. The boards of the districts shall consider the plans individually and shall compare them to other management plans then in force in the management area.~~

~~[(b) The board of directors of each district in the management area may, by resolution, call for joint planning with the other districts in the management area to review the management plans and accomplishments for the management area. In reviewing the management plans, the boards shall consider:~~

~~[(1) the goals of each management plan and its impact on planning throughout the management area,~~

~~[(2) the effectiveness of the measures established by each management plan for conserving and protecting groundwater and~~

1 ~~preventing waste, and the effectiveness of these measures in the~~
2 ~~management area generally, and~~

3 ~~[(3) any other matters that the boards consider~~
4 ~~relevant to the protection and conservation of groundwater and the~~
5 ~~prevention of waste in the management area.~~

6 ~~[(c) If a joint meeting of the boards of directors is~~
7 ~~called, the meeting must be held in accordance with Chapter 551,~~
8 ~~Government Code. Notice of the meeting shall be given in accordance~~
9 ~~with the requirements for notice of district board of directors~~
10 ~~meetings under that Act].~~

11 Sec. 36.1081. PETITION AGAINST DISTRICT. (a) At least
12 every five years a groundwater ~~[(d) A district in the]~~ management
13 area council shall review the management plan and the performance
14 of each district in the groundwater management area. A district or
15 a groundwater management area council for good cause may file ~~[with~~
16 ~~good cause]~~ a petition with the commission requesting an inquiry if
17 ~~[the petitioner district adopted a resolution calling for joint~~
18 ~~planning and the other district or districts refused to join in the~~
19 ~~planning process or the process failed to result in adequate~~
20 ~~planning, and the petition provides evidence that]:~~

21 (1) a ~~[another]~~ district in the groundwater management
22 area has failed to submit its management plan to the executive
23 administrator and the groundwater management area council ~~[adopt~~
24 ~~rules];~~

25 (2) a district in the groundwater management area has
26 failed to adopt or make reasonable progress toward adopting rules;

27 (3) the rules adopted by a district are not designed to

1 achieve the desired future condition of the groundwater resources
2 in the groundwater management area established by the groundwater
3 management area plan [~~the groundwater in the management area is not~~
4 ~~adequately protected by the rules adopted by another district~~]; or

5 (4) [~~3~~] the groundwater in the groundwater
6 management area is not adequately protected due to the failure of a
7 [~~another~~] district to enforce substantial compliance with its
8 rules.

9 (b) [~~e~~] Not later than the 90th day after the date the
10 petition is filed, the commission shall review the petition and
11 either:

12 (1) dismiss the petition if the commission [~~it if it~~]
13 finds that the evidence is not adequate to show that any of the
14 conditions alleged in the petition exist; or

15 (2) select a review panel as provided in Subsection
16 (c) [~~f~~].

17 (c) [~~f~~] If the petition is not dismissed under Subsection
18 (b) [~~e~~], the commission shall appoint a review panel consisting
19 of a chairman and four other members. A director or general manager
20 of a district located outside the groundwater management area that
21 is the subject of the petition may be appointed to the review panel.
22 The commission may not appoint more than two members of the review
23 panel from any one district. The commission also shall appoint a
24 disinterested person to serve as a nonvoting recording secretary
25 for the review panel. The recording secretary may be an employee of
26 the commission. The recording secretary shall record and document
27 the proceedings of the panel.

1 (d) [~~(g)~~] Not later than the 120th day after appointment,
2 the review panel shall review the petition and any evidence
3 relevant to the petition and, in a public meeting, consider and
4 adopt a report to be submitted to the commission. The commission
5 may direct the review panel to conduct public hearings at a location
6 in the groundwater management area to take evidence on the
7 petition. The review panel may attempt to negotiate a settlement or
8 resolve the dispute by any lawful means.

9 (e) [~~(h)~~] In its report, the review panel shall include:

10 (1) a summary of all evidence taken in any hearing on
11 the petition;

12 (2) a list of findings and recommended actions
13 appropriate for the commission to take and the reasons it finds
14 those actions appropriate; and

15 (3) any other information the panel considers
16 appropriate.

17 (f) [~~(i)~~] The review panel shall submit its report to the
18 commission. The commission may take action under Section 36.3011.

19 Sec. 36.1082. DISTRICT COOPERATION. [~~(j)~~] Districts
20 located within the same groundwater management areas or in adjacent
21 management areas may contract to jointly conduct studies or
22 research, or to construct projects, under terms and conditions that
23 the districts consider beneficial. These joint efforts may include
24 studies of groundwater availability and quality, aquifer modeling,
25 and the interaction of groundwater and surface water; educational
26 programs; the purchase and sharing of equipment; and the
27 implementation of projects to make groundwater available,

1 including aquifer recharge, brush control, weather modification,
2 desalination, regionalization, and treatment or conveyance
3 facilities. The districts may contract under their existing
4 authorizations including those of Chapter 791, Government Code, if
5 their contracting authority is not limited by Sections
6 791.011(c)(2) and (d)(3) and Section 791.014, Government Code.

7 SECTION 15. Sections 36.111 and 36.112, Water Code, are
8 amended to read as follows:

9 Sec. 36.111. RECORDS AND REPORTS. (a) A [The] district
10 shall require that records be kept and reports be made of the
11 drilling, equipping, and completing of water wells and of the
12 production and use of groundwater.

13 (b) A district by rule may establish that the records and
14 reports required under Texas Commission of Licensing and Regulation
15 rules or under Chapter 1901, Occupations Code, satisfy the
16 requirements of Subsection (a).

17 Sec. 36.112. DRILLERS' LOGS. (a) A district shall require
18 that accurate drillers' logs be kept of water wells and that copies
19 of drillers' logs and electric logs be filed with the district.

20 (b) A district by rule may establish that the well log
21 required under Texas Commission of Licensing and Regulation rules
22 or under Chapter 1901, Occupations Code, satisfies the requirements
23 of Subsection (a).

24 SECTION 16. Subchapter D, Chapter 36, Water Code, is
25 amended by adding Section 36.1152 to read as follows:

26 Sec. 36.1152. PERMITS BASED ON MANAGED AVAILABLE
27 GROUNDWATER. (a) Except as provided by Subsection (b), a

1 district, to the extent possible, shall issue permits up to the
2 point that the total volume of groundwater permitted equals the
3 managed available groundwater, if administratively complete permit
4 applications are submitted to the district.

5 (b) If a district proposes, based on sound science, to limit
6 the volume of groundwater permitted to less than the managed
7 available groundwater, the district must obtain the approval of the
8 groundwater management area council. Before acting on the request,
9 the groundwater management area council shall obtain and consider
10 the executive administrator's technical review and analysis of the
11 science on which the request is based.

12 (c) The groundwater management area council:

13 (1) shall approve a district's proposed limit under
14 Subsection (b) if the total reduction from the managed available
15 groundwater does not exceed 12.5 percent; and

16 (2) may approve a limit resulting in a reduction
17 greater than 12.5 percent.

18 SECTION 17. Subsections (a) and (b), Section 36.116, Water
19 Code, are amended to read as follows:

20 (a) In order to minimize as far as practicable the drawdown
21 of the water table or the reduction of artesian pressure, to control
22 subsidence, to prevent interference between wells, to prevent
23 degradation of water quality, or to prevent waste, a district by
24 rule may regulate:

25 (1) the spacing of water wells by:

26 (A) requiring all water wells to be spaced a
27 certain distance from property lines or adjoining wells;

(B) requiring wells with a certain production capacity, pump size, or other characteristic related to the construction or operation of and production from a well to be spaced a certain distance from property lines or adjoining wells; or

(C) imposing spacing requirements adopted by the board; and

(2) the production of groundwater by:

(A) setting production limits on wells;

(B) limiting the amount of water produced based on acreage or tract size;

(C) limiting the amount of water that may be produced from a defined number of acres assigned to an authorized well site;

(D) limiting the maximum amount of water that may be produced on the basis of acre-feet per acre or gallons per minute per well site per acre; ~~[or]~~

(E) managed depletion; or

(F) any combination of the methods listed above in Paragraphs (A) through (E) ~~[(D)]~~.

(b) In promulgating any rules limiting groundwater production, the district may preserve historic or existing use before the effective date of the rules to the maximum extent practicable consistent with the district's comprehensive management plan under Section 36.1071 and as provided by Section 36.113.

SECTION 18. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.125 to read as follows:

1 Sec. 36.125. APPEAL OF DISTRICT ACTION TO DISPUTE
2 RESOLUTION PANEL. (a) If a dispute arises between a district and
3 a person affected by an action taken by the district under this
4 subchapter, either the district or the affected person may file a
5 petition with the commission requesting the appointment of a
6 dispute resolution panel to assist the parties in reaching a
7 resolution of the dispute. Not later than the 10th day after the
8 date the petition is filed, any party may submit to the commission a
9 written objection to the appointment of a panel.

10 (b) A petition filed under this section must include:

11 (1) the name of and contact information for each
12 party;

13 (2) a brief summary of the dispute along with a copy of
14 any relevant document, including a permit, an application, a
15 timeline, the district's enabling statute, a rule, a groundwater
16 management plan, or the groundwater management area plan; and

17 (3) other information required by the commission.

18 (c) Not later than the 60th day after the date the petition
19 is filed, the commission shall review the petition and:

20 (1) dismiss it if the commission finds that the
21 petition is baseless, is frivolous, or fails to present an issue
22 that is appropriate for panel review or finds that there is
23 reasonable basis for the objection filed under Subsection (a); or

24 (2) select a panel as provided by Subsection (e).

25 (d) If the petition is dismissed, the commission shall
26 provide the reasons for the dismissal in writing to the district and
27 the affected person.

(e) If the petition is not dismissed, the commission shall, in accordance with an interagency contract, request the Center for Public Policy Dispute Resolution to select a three-member dispute resolution panel. The panel shall be selected within 30 days of the commission's request. All panel members must be individuals who are not involved in or affected by the matter in dispute and whose expertise and knowledge may be useful in resolving the dispute. The presiding officer of the panel must also be an impartial third party, have expertise and classroom training in resolving public policy disputes, and have knowledge of groundwater law in Texas. The panel members' costs shall be shared equally among the parties, unless agreed to otherwise. The commission shall compensate the Center for its costs related to this subsection.

(f) Not later than the 45th day after the date the panel is selected, the panel shall review the petition and any information relevant to the petition and begin holding meetings with the parties to assist them in resolving the dispute. The panel may consolidate multiple parties, appoint a person to represent multiple parties, invite additional parties, or dismiss parties as the panel considers appropriate. The Texas Water Development Board and the commission shall provide technical and legal assistance as requested by the panel.

(g) Not later than the 90th day after the panel's first meeting with the parties, the panel shall report to the commission whether the parties have reached a settlement. If no settlement has been reached, the commission shall dissolve the panel and the parties may proceed with any other available remedy, including

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1 those provided under Subchapter H.

2 (h) A court of this state shall take judicial notice of a
 3 dispute resolution panel under this section and may stay an
 4 affected judicial proceeding pending a settlement of the dispute or
 5 the dissolution of the panel.

6 SECTION 19. Subsection (a), Section 36.157, Water Code, is
 7 amended to read as follows:

8 (a) A district may pay all costs and expenses necessarily
 9 incurred in the creation and organization of a district, including
 10 legal fees and other incidental expenses, and may reimburse any
 11 person, including a county, for money advanced for these purposes.

12 SECTION 20. Section 36.301, Water Code, is amended to read
 13 as follows:

14 Sec. 36.301. FAILURE TO SUBMIT A MANAGEMENT PLAN. If a
 15 board fails to submit a management plan or readopted management
 16 plan to receive approval [~~certification~~] of its management plan
 17 under Section 36.1072 or fails to submit or receive approval
 18 [~~certification~~] of an amendment to the management plan under
 19 Section 36.1073, the commission shall take appropriate action under
 20 Section 36.303.

21 SECTION 21. Section 36.3011, Water Code, is amended to read
 22 as follows:

23 Sec. 36.3011. FAILURE OF [A] DISTRICT TO COMPLY WITH
 24 GROUNDWATER MANAGEMENT AREA PLAN [~~CONDUCT JOINT PLANNING~~].
 25 [~~(a) If the board of a district within a common management area~~
 26 ~~fails to forward a copy of its new or revised certified management~~
 27 ~~plan under Section 36.108, the commission shall take appropriate~~

~~action under Section 36.303.~~

~~[(b)]~~ Not later than the 45th day after receiving the review panel's report under Section 36.1081 ~~[36.108]~~, the executive director or the commission shall take action to implement any or all of the panel's recommendations. The commission may take any action against a district it considers necessary in accordance with Section 36.303 if ~~[If]~~ the commission finds that:

(1) a district ~~[in the joint planning area]~~ has failed to submit its plan to the executive administrator and the groundwater management area council;

(2) a district has failed to adopt rules;

(3) the rules adopted by the district are not designed to achieve the desired future condition of the groundwater resources in the groundwater management area established under the groundwater management area plan; or

(4) the district fails ~~[, the groundwater in the management area is not adequately protected by the rules adopted by the district, or the groundwater in the management area is not adequately protected because of the district's failure]~~ to enforce substantial compliance with its rules ~~[, the commission may take any action it considers necessary in accordance with Section 36.303].~~

SECTION 22. Section 36.302, Water Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) The state auditor may perform the review under Subsection (a) following the first anniversary of the initial approval ~~[certification]~~ of the plan ~~[by the Texas Water~~

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~~Development Board]~~ under Section 36.1072 and at least as often as once every seven years after that date, subject to a risk assessment and to the legislative audit committee's approval of including the review in the audit plan under Section 321.013, Government Code.

(d-1) The state auditor shall review any district that has an accounts payable balance of \$25,000 or more that is more than 12 months past due for consulting fees, including fees for accountants, attorneys, financial advisors, engineers, and geologists.

SECTION 23. Subchapter C, Chapter 66, Education Code, is amended by adding Section 66.46 to read as follows:

Sec. 66.46. LEASE OF RIGHT TO PRODUCE GROUNDWATER. A lease of the right to produce groundwater from lands set aside and appropriated to, or acquired by, the permanent university fund must be awarded through competitive bidding unless:

(1) the lessee is a political subdivision of this state or an end user of the water; or

(2) the lease entitles the lessee to produce less than 125,000 gallons of water per day.

SECTION 24. Chapter 325, Government Code, is amended by adding Sections 325.025 and 325.026 to read as follows:

Sec. 325.025. GROUNDWATER CONSERVATION DISTRICTS SUBJECT TO REVIEW. (a) A groundwater conservation district listed in Subsection (b) is subject to review under this chapter as if it were a state agency but is not abolished under this chapter.

(b) This section applies only to:

(1) Anderson County Underground Water Conservation

1 District;
2 (2) Bandera County River Authority and Groundwater
3 District;
4 (3) Barton Springs-Edwards Aquifer Conservation
5 District;
6 (4) Bee Groundwater Conservation District;
7 (5) Blanco-Pedernales Groundwater Conservation
8 District;
9 (6) Bluebonnet Groundwater Conservation District;
10 (7) Brazoria County Groundwater Conservation
11 District;
12 (8) Brazos Valley Groundwater Conservation District;
13 (9) Brewster County Groundwater Conservation
14 District;
15 (10) Clear Fork Groundwater Conservation District;
16 (11) Clearwater Underground Water Conservation
17 District;
18 (12) Coastal Bend Groundwater Conservation District;
19 (13) Coastal Plains Groundwater Conservation
20 District;
21 (14) Coke County Underground Water Conservation
22 District;
23 (15) Collingsworth County Underground Water
24 Conservation District;
25 (16) Cow Creek Groundwater Conservation District;
26 (17) Crossroads Groundwater Conservation District;
27 (18) Culberson County Groundwater Conservation

- 1 District;
- 2 (19) Dallam County Underground Water Conservation
- 3 District No. 1;
- 4 (20) Edwards Aquifer Authority;
- 5 (21) Emerald Underground Water Conservation District;
- 6 (22) Evergreen Underground Water Conservation
- 7 District;
- 8 (23) Fayette County Groundwater Conservation
- 9 District;
- 10 (24) Fort Bend Subsidence District;
- 11 (25) Fox Crossing Water District;
- 12 (26) Garza County Underground and Fresh Water
- 13 Conservation District;
- 14 (27) Glasscock Groundwater Conservation District;
- 15 (28) Goliad County Groundwater Conservation District;
- 16 (29) Gonzales County Underground Water Conservation
- 17 District;
- 18 (30) Guadalupe County Groundwater Conservation
- 19 District;
- 20 (31) Harris-Galveston Coastal Subsidence District;
- 21 (32) Hays Trinity Groundwater Conservation District;
- 22 (33) Headwaters Groundwater Conservation District;
- 23 (34) Hemphill County Underground Water Conservation
- 24 District;
- 25 (35) Hickory Underground Water Conservation District
- 26 No. 1;
- 27 (36) High Plains Underground Water Conservation

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- 1 District No. 1;
- 2 (37) Hill Country Underground Water Conservation
- 3 District;
- 4 (38) Hudspeth County Underground Water Conservation
- 5 District No. 1;
- 6 (39) Irion County Water Conservation District;
- 7 (40) Jeff Davis County Underground Water Conservation
- 8 District;
- 9 (41) Kenedy County Groundwater Conservation District;
- 10 (42) Kimble County Groundwater Conservation District;
- 11 (43) Kinney County Groundwater Conservation District;
- 12 (44) Lavaca County Groundwater Conservation District;
- 13 (45) Lipan-Kickapoo Water Conservation District;
- 14 (46) Live Oak Underground Water Conservation
- 15 District;
- 16 (47) Llano Estacado Underground Water Conservation
- 17 District;
- 18 (48) Lone Star Groundwater Conservation District;
- 19 (49) Lone Wolf Groundwater Conservation District;
- 20 (50) Lost Pines Groundwater Conservation District;
- 21 (51) Lower Seymour Groundwater Conservation District;
- 22 (52) McMullen Groundwater Conservation District;
- 23 (53) Medina County Underground Water Conservation
- 24 District;
- 25 (54) Menard County Underground Water District;
- 26 (55) Mesa Underground Water Conservation District;
- 27 (56) Mid-East Texas Groundwater Conservation

1 District;
2 (57) Middle Pecos Groundwater Conservation District;
3 (58) Middle Trinity Groundwater Conservation
4 District;
5 (59) Neches and Trinity Valleys Groundwater
6 Conservation District;
7 (60) North Plains Groundwater Conservation District
8 No. Two;
9 (61) Panhandle Groundwater Conservation District;
10 (62) Pecan Valley Groundwater Conservation District;
11 (63) Permian Basin Underground Water Conservation
12 District;
13 (64) Pineywoods Groundwater Conservation District;
14 (65) Plateau Underground Water Conservation and
15 Supply District;
16 (66) Plum Creek Conservation District;
17 (67) Post Oak Savannah Groundwater Conservation
18 District;
19 (68) Presidio County Underground Water Conservation
20 District;
21 (69) Real-Edwards Conservation and Reclamation
22 District;
23 (70) Red Sands Groundwater Conservation District;
24 (71) Refugio Groundwater Conservation District;
25 (72) Rolling Plains Groundwater Conservation
26 District;
27 (73) Rusk County Groundwater Conservation District;

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- 1 (74) Salt Fork Underground Water Conservation
- 2 District;
- 3 (75) Sandy Land Underground Water Conservation
- 4 District;
- 5 (76) Santa Rita Underground Water Conservation
- 6 District;
- 7 (77) Saratoga Underground Water Conservation
- 8 District;
- 9 (78) South Plains Underground Water Conservation
- 10 District;
- 11 (79) Southeast Texas Groundwater Conservation
- 12 District;
- 13 (80) Sterling County Underground Water Conservation
- 14 District;
- 15 (81) Sutton County Underground Water Conservation
- 16 District;
- 17 (82) Texana Groundwater Conservation District;
- 18 (83) Tri-County Groundwater Conservation District;
- 19 (84) Trinity Glen Rose Groundwater Conservation
- 20 District;
- 21 (85) Uvalde County Underground Water Conservation
- 22 District;
- 23 (86) Wes-Tex Groundwater Conservation District; and
- 24 (87) Wintergarden Groundwater Conservation District.
- 25 Sec. 325.026. SCHEDULE OF REVIEW FOR GROUNDWATER
- 26 CONSERVATION DISTRICTS. (a) The groundwater conservation
- 27 districts listed in Section 325.025 shall be reviewed according to

1 the schedule provided by Subsections (b)-(g).

2 (b) During the periods in which state agencies abolished in
3 2007 and every 12th year after 2007 are reviewed, the following
4 districts shall be reviewed:

5 (1) Collingsworth County Underground Water
6 Conservation District;

7 (2) Dallam County Underground Water Conservation
8 District No. 1;

9 (3) Garza County Underground and Fresh Water
10 Conservation District;

11 (4) Hemphill County Underground Water Conservation
12 District;

13 (5) High Plains Underground Water Conservation
14 District No. 1;

15 (6) Llano Estacado Underground Water Conservation
16 District;

17 (7) Lower Seymour Groundwater Conservation District;

18 (8) Mesa Underground Water Conservation District;

19 (9) North Plains Groundwater Conservation District

20 No. Two;

21 (10) Panhandle Groundwater Conservation District;

22 (11) Salt Fork Underground Water Conservation
23 District;

24 (12) Sandy Land Underground Water Conservation
25 District;

26 (13) South Plains Underground Water Conservation
27 District;

- 1 (14) Fort Bend Subsidence District; and
- 2 (15) Harris-Galveston Coastal Subsidence District.
- 3 (c) During the periods in which state agencies abolished in
- 4 2009 and every 12th year after 2009 are reviewed, the following
- 5 districts shall be reviewed:
- 6 (1) Bandera County River Authority and Groundwater
- 7 District;
- 8 (2) Blanco-Pedernales Groundwater Conservation
- 9 District;
- 10 (3) Brewster County Groundwater Conservation
- 11 District;
- 12 (4) Cow Creek Groundwater Conservation District;
- 13 (5) Culberson County Groundwater Conservation
- 14 District;
- 15 (6) Emerald Underground Water Conservation District;
- 16 (7) Headwaters Groundwater Conservation District;
- 17 (8) Hickory Underground Water Conservation District
- 18 No. 1;
- 19 (9) Hill Country Underground Water Conservation
- 20 District;
- 21 (10) Hudspeth County Underground Water Conservation
- 22 District No. 1;
- 23 (11) Jeff Davis County Underground Water Conservation
- 24 District;
- 25 (12) Kimble County Groundwater Conservation District;
- 26 (13) Kinney County Groundwater Conservation District;
- 27 (14) Medina County Underground Water Conservation

District;

(15) Menard County Underground Water District;

(16) Middle Pecos Groundwater Conservation District;

(17) Plateau Underground Water Conservation and

Supply District;

(18) Presidio County Underground Water Conservation

District;

(19) Real-Edwards Conservation and Reclamation

District;

(20) Sutton County Underground Water Conservation

District; and

(21) Uvalde County Underground Water Conservation

District.

(d) During the periods in which state agencies abolished in 2011 and every 12th year after 2011 are reviewed, the following districts shall be reviewed:

(1) Brazoria County Groundwater Conservation

District;

(2) Clear Fork Groundwater Conservation District;

(3) Coke County Underground Water Conservation

District;

(4) Crossroads Groundwater Conservation District;

(5) Glasscock Groundwater Conservation District;

(6) Irion County Water Conservation District;

(7) Lipan-Kickapoo Water Conservation District;

(8) Lone Wolf Groundwater Conservation District;

(9) Permian Basin Underground Water Conservation

- 1 District;
- 2 (10) Rolling Plains Groundwater Conservation
- 3 District;
- 4 (11) Santa Rita Underground Water Conservation
- 5 District;
- 6 (12) Sterling County Underground Water Conservation
- 7 District;
- 8 (13) Tri-County Groundwater Conservation District;
- 9 and
- 10 (14) Wes-Tex Groundwater Conservation District.
- 11 (e) During the periods in which state agencies abolished in
- 12 2013 and every 12th year after 2013 are reviewed, the following
- 13 districts shall be reviewed:
- 14 (1) Bee Groundwater Conservation District;
- 15 (2) Edwards Aquifer Authority;
- 16 (3) Evergreen Underground Water Conservation
- 17 District;
- 18 (4) Goliad County Groundwater Conservation District;
- 19 (5) Kenedy County Groundwater Conservation District;
- 20 (6) Live Oak Underground Water Conservation District;
- 21 (7) McMullen Groundwater Conservation District;
- 22 (8) Red Sands Groundwater Conservation District;
- 23 (9) Refugio Groundwater Conservation District;
- 24 (10) Trinity Glen Rose Groundwater Conservation
- 25 District; and
- 26 (11) Wintergarden Groundwater Conservation District.
- 27 (f) During the periods in which state agencies abolished in

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2015 and every 12th year after 2015 are reviewed, the following districts shall be reviewed:

(1) Barton Springs-Edwards Aquifer Conservation District;

(2) Coastal Bend Groundwater Conservation District;

(3) Coastal Plains Groundwater Conservation District;

(4) Fayette County Groundwater Conservation District;

(5) Gonzales County Underground Water Conservation District;

(6) Guadalupe County Groundwater Conservation District;

(7) Hays Trinity Groundwater Conservation District;

(8) Lavaca County Groundwater Conservation District;

(9) Lost Pines Groundwater Conservation District;

(10) Pecan Valley Groundwater Conservation District;

(11) Plum Creek Conservation District; and

(12) Texana Groundwater Conservation District.

(g) During the periods in which state agencies abolished in 2017 and every 12th year after 2017 are reviewed, the following districts shall be reviewed:

(1) Anderson County Underground Water Conservation District;

(2) Bluebonnet Groundwater Conservation District;

(3) Brazos Valley Groundwater Conservation District;

(4) Clearwater Underground Water Conservation District;

(5) Fox Crossing Water District;

1 (6) Lone Star Groundwater Conservation District;
2 (7) Mid-East Texas Groundwater Conservation District;
3 (8) Middle Trinity Groundwater Conservation District;
4 (9) Neches and Trinity Valleys Groundwater
5 Conservation District;
6 (10) Pineywoods Groundwater Conservation District;
7 (11) Post Oak Savannah Groundwater Conservation
8 District;
9 (12) Rusk County Groundwater Conservation District;
10 (13) Saratoga Underground Water Conservation
11 District; and
12 (14) Southeast Texas Groundwater Conservation
13 District.

14 SECTION 25. Subchapter D, Chapter 11, Natural Resources
15 Code, is amended by adding Section 11.087 to read as follows:

16 Sec. 11.087. PROHIBITION ON EXPORTATION OF GROUNDWATER
17 PRODUCED FROM STATE-OWNED LAND. A person may not export from this
18 state to a foreign country groundwater produced from state-owned
19 land.

20 SECTION 26. Section 32.012, Natural Resources Code, is
21 amended by amending Subsection (a) and adding Subsection (d) to
22 read as follows:

23 (a) The board is composed of:
24 (1) the commissioner;
25 (2) a citizen of the state appointed by the governor
26 with the advice and consent of the senate; ~~and~~
27 (3) a citizen of the state appointed by the attorney

1 general with the advice and consent of the senate;

2 (4) a citizen of the state appointed by the lieutenant
3 governor; and

4 (5) a citizen of the state appointed by the governor
5 with the advice and consent of the senate from a list of nominees
6 submitted by the speaker of the house of representatives.

7 (d) In making an appointment under Subsection (a)(5), the
8 governor may reject one or more of the nominees on a list submitted
9 by the speaker of the house of representatives and request a new
10 list of different nominees.

11 SECTION 27. Section 51.121, Natural Resources Code, is
12 amended by adding Subsections (f) and (g) to read as follows:

13 (f) Notwithstanding Subsection (a), the commissioner may
14 not lease unsold public school land under this subchapter for a term
15 of more than 10 years or for an indefinite term unless the board
16 approves the lease.

17 (g) Notwithstanding Subsection (a), the commissioner may
18 not lease the right to produce groundwater from unsold public
19 school land. A lease of the right to produce groundwater from
20 unsold public school land is governed by Section 51.132.

21 SECTION 28. Subchapter D, Chapter 51, Natural Resources
22 Code, is amended by adding Section 51.132 to read as follows:

23 Sec. 51.132. LEASE OF RIGHT TO PRODUCE GROUNDWATER. (a)
24 The board may lease the right to produce groundwater from unsold
25 public school land only as provided by this section. The other
26 provisions of this subchapter apply to leases entered into under
27 this section to the extent those provisions do not conflict with

1 this section or Section 51.121(g).

2 (b) The board shall adopt clear and detailed rules governing
3 the lease of the right to produce groundwater from unsold public
4 school land. The rules must require:

5 (1) each regional water planning group and groundwater
6 conservation district in whose jurisdiction the land is located to
7 be notified when the board receives a proposal to lease the right to
8 produce groundwater from the land;

9 (2) the lease contract to be negotiated by the board;

10 (3) the lessee to comply with:

11 (A) the rules and permitting requirements of any
12 groundwater conservation district in which the land is located; and

13 (B) all state and local laws and rules;

14 (4) the right to produce groundwater from land to be
15 leased separately from oil and gas rights; and

16 (5) a lease proposal submitted by a political
17 subdivision of this state to include a letter of interest, approved
18 by the governing body of the political subdivision, that includes:

19 (A) an estimated total daily and annual amount of
20 water to be produced under the lease;

21 (B) any requirements of the political
22 subdivision regarding water quality;

23 (C) a time frame for delivery of the water;

24 (D) an estimated delivered price for the water;

25 and

26 (E) a statement that the political subdivision
27 commits to act in compliance with all state and local laws and

1 rules.

2 (c) Before filing notice of the proposed rules with the
3 secretary of state for publication in the Texas Register, the board
4 must notify the attorney general, Parks and Wildlife Department,
5 Texas Commission on Environmental Quality, Texas Water Development
6 Board, and Department of Agriculture and each member of the
7 legislature that notice of the proposed rules will be published.

8 (d) A lease of the right to produce groundwater from unsold
9 public school land must be awarded through competitive bidding
10 unless:

11 (1) the lessee is a political subdivision of this
12 state or an end user of the water; or

13 (2) the lease entitles the lessee to produce less than
14 125,000 gallons of water per day.

15 SECTION 29. Subsection (f), Section 1.11, Chapter 626, Acts
16 of the 73rd Legislature, Regular Session, 1993, is amended to read
17 as follows:

18 (f) The authority may own, finance, design, ~~[contract with a~~
19 ~~person who uses water from the aquifer for the authority or that~~
20 ~~person to]~~ construct, operate, or ~~[own, finance, and]~~ maintain
21 recharge [water supply] facilities or contract with a person who
22 uses water from the aquifer for the authority or that person to own,
23 finance, design, construct, operate, or maintain recharge
24 facilities. ~~[Management fees or special fees may not be used for~~
25 ~~purchasing or operating these facilities.]~~ For the purpose of this
26 subsection, "recharge [water supply] facility" means ~~[includes]~~ a
27 dam, reservoir, ~~[treatment facility, transmission facility,]~~ or

1 other method of recharge project and associated facilities,
2 structures, or works.

3 SECTION 30. Subsections (a), (c), (f), and (h), Section
4 1.14, Chapter 626, Acts of the 73rd Legislature, Regular Session,
5 1993, are amended to read as follows:

6 (a) Authorizations to withdraw water from the aquifer and
7 all authorizations and rights to make a withdrawal under this Act
8 shall be limited in accordance with this section to:

- 9 (1) protect the water quality of the aquifer;
10 (2) protect the water quality of the surface streams
11 to which the aquifer provides springflow;
12 (3) achieve water conservation;
13 (4) maximize the beneficial use of water available for
14 withdrawal from the aquifer;
15 (5) recognize the hydro-geologic connection and
16 interaction between surface and groundwater;
17 (6) protect aquatic and wildlife habitat;
18 (7) ~~[(6)]~~ protect species that are designated as
19 threatened or endangered under applicable federal or state law; and
20 (8) ~~[(7)]~~ provide for instream uses, bays, and
21 estuaries.

22 (c) Except as provided by Subsections ~~[(a)]~~ (f) ~~[(7)]~~ and (h)
23 of this section ~~[and Section 1.26 of this article]~~ for the period
24 beginning January 1, 2005 ~~[2008]~~, the amount of permitted
25 withdrawals from the aquifer may not exceed the sum of all regular
26 permits issued or for which an application has been filed and
27 issuance is pending action by the authority as of January 1, 2005.

1 If annexation occurs, the amount of permitted withdrawals may be
2 adjusted to include permits issued for wells in the annexed area as
3 of January 1, 2005 [~~400,000 acre-feet of water for each calendar~~
4 ~~year~~].

5 (f) If the level of the aquifer is equal to or greater than
6 665 [~~650~~] feet above mean sea level as measured at Well J-17, the
7 authority may authorize withdrawal from the San Antonio pool, on an
8 uninterrupted basis, of permitted amounts. If the level of the
9 aquifer is equal to or greater than 845 feet at Well J-27, the
10 authority may authorize withdrawal from the Uvalde pool, on an
11 uninterrupted basis, of permitted amounts. In accordance with
12 Section 1.26 of this article, the [~~The~~] authority shall limit the
13 additional withdrawals to ensure that springflows are not affected
14 during critical drought conditions.

15 (h) To accomplish the purposes of this article, [~~by June 1,~~
16 ~~1994,~~] the authority, through a program, shall implement and
17 enforce water management practices, procedures, and methods to
18 ensure that, not later than December 31, 2012, the continuous
19 minimum springflows of the Comal Springs and the San Marcos Springs
20 are maintained to protect endangered and threatened species to the
21 extent required by federal law and to achieve other purposes
22 provided by Subsection (a) of this section and Section 1.26 of this
23 article. The authority from time to time as appropriate may revise
24 the practices, procedures, and methods. To meet this requirement,
25 the authority shall require:

26 (1) phased reductions in the amount of water that may
27 be used or withdrawn by existing users or categories of other users,

1 including the authority's critical period management plan
2 established under Section 1.26 of this article; or

3 (2) implementation of alternative management
4 practices, procedures, and methods.

5 SECTION 31. Subsection (c), Section 1.15, Chapter 626, Acts
6 of the 73rd Legislature, Regular Session, 1993, is amended to read
7 as follows:

8 (c) The authority may issue regular permits, term permits,
9 and emergency permits. Except as provided in Section 1.14(f) and
10 Section 1.26 of this article, regular permits may not be issued on
11 an interruptible basis, and the total withdrawals authorized by all
12 regular permits issued by the authority may not exceed the
13 limitations provided by Section 1.14 of this article.

14 SECTION 32. Subsection (b), Section 1.19, Chapter 626, Acts
15 of the 73rd Legislature, Regular Session, 1993, is amended to read
16 as follows:

17 (b) Withdrawal of water under a term permit must be
18 consistent with the authority's critical period management plan
19 established under Section 1.26 of this article. A holder of a term
20 permit may not withdraw water from the San Antonio pool of the
21 aquifer unless the level of the aquifer is higher than 675 ~~[665]~~
22 feet above sea level, as measured at Well J-17, and the flow at
23 Comal Springs as determined by Section 1.26(c) of this article is
24 greater than 350 cfs.

25 SECTION 33. Article 1, Chapter 626, Acts of the 73rd
26 Legislature, Regular Session, 1993, is amended by amending Section
27 1.26 and adding Section 1.26A to read as follows:

1 Sec. 1.26. CRITICAL PERIOD MANAGEMENT PLAN. (a) After
2 review of the recommendations received, as prescribed in Section
3 1.26A of this article, the [~~The~~] authority shall prepare and
4 coordinate implementation of a [~~plan for~~] critical period
5 management plan in a manner consistent with Section 1.14(a) of this
6 article [~~on or before September 1, 1995~~]. The mechanisms must:

7 (1) distinguish between discretionary use and
8 nondiscretionary use;

9 (2) require reductions of all discretionary use to the
10 maximum extent feasible;

11 (3) require utility pricing, to the maximum extent
12 feasible, to limit discretionary use by the customers of water
13 utilities; and

14 (4) require reduction of nondiscretionary use by
15 permitted or contractual users, to the extent further reductions
16 are necessary, in the reverse order of the following water use
17 preferences:

18 (A) municipal, domestic, and livestock;

19 (B) industrial and crop irrigation;

20 (C) residential landscape irrigation;

21 (D) recreational and pleasure; and

22 (E) other uses that are authorized by law.

23 (b) In this subsection, "MSL" means the elevation, measured
24 in feet, of the surface of the water in a well above mean sea level,
25 and "CFS" means cubic feet per second. Not later than January 1,
26 2006, the authority shall, by rule, adopt and enforce a critical
27 period management plan with withdrawal reduction percentages at no

less than the amounts indicated in Tables 1 and 2 whether according to the index well levels or Comal Springs flow as may be applicable, for a maximum total in critical period Stage IV of 40 percent of the permitted withdrawals under Table 1 and 30 percent under Table 2:

TABLE 1 - CUMULATIVE CRITICAL PERIOD WITHDRAWAL REDUCTION STAGES
FOR THE SAN ANTONIO POOL

			<u>WITHDRAWAL</u>
<u>INDEX WELL</u>	<u>COMAL SPRINGS</u>	<u>CRITICAL</u>	<u>REDUCTION</u>
<u>J-17 LEVEL MSL</u>	<u>FLOW CFS</u>	<u>PERIOD STAGE</u>	<u>PERCENTAGE</u>
<u><665</u>	<u>N/A</u>	<u>I</u>	<u>10%</u>
<u><650</u>	<u>N/A</u>	<u>II</u>	<u>10%</u>
<u><640</u>	<u><150</u>	<u>III</u>	<u>10%</u>
<u><630</u>	<u><100</u>	<u>IV</u>	<u>10%</u>

TABLE 2 - CUMULATIVE CRITICAL PERIOD WITHDRAWAL REDUCTION STAGES
FOR THE UVALDE POOL

		<u>WITHDRAWAL</u>
<u>INDEX WELL J-27 MSL</u>	<u>CRITICAL PERIOD</u>	<u>REDUCTION</u>
<u>FOR UVALDE POOL</u>	<u>STAGE</u>	<u>PERCENTAGE</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>II</u>	<u>N/A</u>
<u><845</u>	<u>III</u>	<u>15%</u>
<u><842</u>	<u>IV</u>	<u>15%</u>

(c) The authority shall continuously track the average daily discharge rate measured over each period of five consecutive days at Comal Springs to determine whether a reduction in withdrawals to the Stage III reduction level is required. The authority shall track the average daily discharge rate measured for

1 any five days in a period of 10 consecutive days to determine
2 whether a reduction in withdrawals to the Stage IV reduction level
3 is required.

4 (d) Beginning September 1, 2005, the authority shall not
5 allow the volume of permitted withdrawals to exceed an annualized
6 rate of 340,000 acre-feet, under critical period Stage IV. After
7 January 1, 2012, the authority shall not allow the volume of
8 permitted withdrawals to exceed an annualized rate of 320,000
9 acre-feet, under critical period Stage IV. After January 1, 2020,
10 the authority shall not allow the volume of permitted withdrawals
11 to exceed an annualized rate of 288,000 acre-feet, under critical
12 period Stage IV.

13 (e) From time to time, the authority by rule may amend the
14 withdrawal reduction criteria of the authority's critical period
15 management plan as set forth in Subsections (b) and (c) of this
16 section, after review and consideration of the recommendations from
17 the Texas Water Development Board, the Edwards Aquifer area expert
18 science team, and the Edwards Aquifer area stakeholders committee,
19 as prescribed in Section 1.26A of this article. The amended plan
20 must be consistent with Section 1.14(a) of this article.

21 Sec. 1.26A. DEVELOPMENT OF WITHDRAWAL REDUCTION LEVELS AND
22 STAGES FOR CRITICAL PERIOD MANAGEMENT. (a) The Texas Water
23 Development Board shall appoint a 15-member Edwards Aquifer area
24 stakeholders committee not later than January 1, 2006. The
25 composition of the committee will be as follows:

26 (1) five holders of municipal permits issued by the
27 authority;

1 (2) two holders of irrigation permits issued by the
2 authority;

3 (3) three holders of industrial permits issued by the
4 authority;

5 (4) four downstream water rights holders in the
6 Guadalupe River basin; and

7 (5) one representative of a public interest group
8 related to instream flows in the Guadalupe River basin and bay and
9 estuary inflows from the Guadalupe River.

10 (b) The Edwards Aquifer area stakeholders committee shall
11 appoint a seven-member Edwards Aquifer area expert science team not
12 later than April 30, 2006. The expert science team must be composed
13 of technical experts with special expertise regarding the Edwards
14 Aquifer system, springflows, or the development of withdrawal
15 limitations. Chapter 2110, Government Code, does not apply to the
16 size, composition, or duration of the expert science team.

17 (c) The expert science team shall develop an analysis of
18 spring discharge rates and aquifer levels as a function of
19 withdrawal levels. Based upon this analysis and the required
20 elements to be considered by the authority in Section 1.14 of this
21 article, the Edwards Aquifer area expert science team shall,
22 through a collaborative process designed to achieve consensus,
23 create recommendations for withdrawal reduction levels and stages
24 for critical period management and submit them to the Edwards
25 Aquifer area stakeholders committee, the Texas Water Development
26 Board, and the authority. The initial recommendations must be
27 completed and submitted no later than September 30, 2006.

1 (d) In developing its recommendations, the Edwards Aquifer
2 area expert science team must consider all reasonably available
3 science, including any Edwards Aquifer specific studies, and the
4 recommendations must be based solely on the best science available.
5 The Edwards Aquifer area stakeholders committee may not change the
6 recommendations of the Edwards Aquifer area expert science team
7 regarding the withdrawal limitations appropriate to achieve the
8 purposes of Section 1.14 of this article.

9 (e) The Edwards Aquifer area stakeholders committee shall
10 review the withdrawal limitation and critical period management
11 recommendations submitted by the expert science team and shall
12 consider them in conjunction with other factors, including the
13 present and future needs for water for other uses related to water
14 supply planning in the Edwards Aquifer area and the required
15 elements to be considered by the authority in Section 1.14 of this
16 article. The stakeholders committee shall develop recommendations
17 regarding a critical period management plan and submit its
18 recommendations to the authority and to the Texas Water Development
19 Board. In developing its recommendations, the stakeholders
20 committee shall operate on a consensus basis to the maximum extent
21 possible. The initial recommendations must be completed and
22 submitted no later than October 31, 2006.

23 (f) The Texas Water Development Board shall submit to the
24 authority its comments on and recommendations regarding the Edwards
25 Aquifer area expert science team's recommended withdrawal
26 reduction levels and stages for critical period management needed
27 to maintain target spring discharge and aquifer levels. The

1 withdrawal reduction recommendations shall be based upon a
2 combination of spring discharge rates of the San Marcos and Comal
3 Springs and levels at the J-17 and J-27 wells.

4 (g) The Edwards Aquifer area expert science team, Edwards
5 Aquifer area stakeholders committee, and the Texas Water
6 Development Board shall submit recommendations to the authority for
7 use in developing its rules relative to establishing the critical
8 period management plan.

9 (h) Where reasonably practicable, meetings of the Edwards
10 Aquifer area expert science team and Edwards Aquifer area
11 stakeholders committee must be open to the public.

12 (i) In recognition of the importance of critical period
13 management to adapt to changed conditions or information, after
14 submitting its recommendations regarding withdrawal limitations
15 and strategies to meet the spring flow needs to the authority, the
16 stakeholders committee, with the assistance of the expert science
17 team, shall prepare and submit to the Texas Water Development Board
18 a work plan. The work plan must:

19 (1) establish a periodic review of the critical period
20 management plan, to occur at least once every five years;

21 (2) prescribe specific monitoring, studies, and
22 activities; and

23 (3) establish a schedule for continuing the validation
24 or refinement of the critical period management plan adopted by the
25 authority, and the strategies to achieve the plan.

26 (j) To assist the Texas Water Development Board to assess
27 the extent to which the recommendations of the Edwards Aquifer area

1 expert science team are considered and implemented, the authority
2 shall provide written reports to the development board, at
3 intervals determined by the development board, that describe:

4 (1) the actions taken in response to each
5 recommendation; and

6 (2) for each recommendation not implemented, the
7 reason it was not implemented.

8 SECTION 34. Subsections (b) and (i), Section 1.29, Chapter
9 626, Acts of the 73rd Legislature, Regular Session, 1993, are
10 amended to read as follows:

11 (b) The authority shall assess equitable aquifer management
12 fees based on aquifer use under the water management plan to finance
13 its administrative expenses and programs authorized under this
14 article. Each water district governed by Chapter 36 [52], Water
15 Code, that is within the authority's boundaries may contract with
16 the authority to pay expenses of the authority through taxes in lieu
17 of user fees to be paid by water users in the district. The contract
18 must provide that the district will pay an amount equal to the
19 amount that the water users in the district would have paid through
20 user fees. The authority may not collect a total amount of fees and
21 taxes that is more than is reasonably necessary for the
22 administration of the authority.

23 (i) The authority shall provide money as necessary, but not
24 to exceed \$75,000, annually adjusted for changes in the consumer
25 price index [~~five percent of the money collected under Subsection~~
26 ~~(d) of this section~~], to finance the South Central Texas Water
27 Advisory Committee's administrative expenses and programs

1 authorized under this article.

2 SECTION 35. Subsection (a), Section 1.45, Chapter 626, Acts
3 of the 73rd Legislature, Regular Session, 1993, is amended to read
4 as follows:

5 (a) The authority may own, finance, design, construct,
6 ~~[build or]~~ operate, and maintain recharge dams and associated
7 facilities, structures, or works in the contributing or recharge
8 area of the aquifer if the recharge is made to increase the yield of
9 the aquifer and the recharge project does not impair senior water
10 rights or vested riparian rights.

11 SECTION 36. The following sections of Chapter 626, Acts of
12 the 73rd Legislature, Regular Session, 1993, are repealed:

13 (1) Subsections (b) and (d), Section 1.14;

14 (2) Section 1.21; and

15 (3) Subsections (a), (c), (d), and (h), Section 1.29.

16 SECTION 37. (a) The executive administrator of the Texas
17 Water Development Board shall appoint the initial appointed
18 representatives for each groundwater management area council as
19 provided by Section 36.108, Water Code, as amended by this Act, as
20 soon as practicable on or after the effective date of this Act. The
21 terms of the initial representatives for each groundwater
22 management area council expire August 31, 2007.

23 (b) The Texas Water Development Board shall convene the
24 groundwater management area councils required under Section
25 36.108, Water Code, as amended by this Act, not later than September
26 1, 2006.

27 (c) The Texas Commission on Environmental Quality and the

1 Texas Water Development Board shall adopt any rules, models, and
2 forms necessary for the implementation of the groundwater
3 management area planning functions required by this Act not later
4 than September 1, 2006.

5 SECTION 38. (a) A statewide groundwater management
6 district consolidation stakeholders committee is established to
7 study issues concerning the management of groundwater.

8 (b) The groundwater management district consolidation
9 stakeholders committee is composed of the following members:

10 (1) five members appointed by the lieutenant governor;

11 (2) five members appointed by the speaker of the house
12 of representatives;

13 (3) one member representing the Parks and Wildlife
14 Department appointed by the Parks and Wildlife Commission;

15 (4) one member representing administrators of
16 state-owned land overlying producible groundwater resources;

17 (5) one member representing the Texas Commission on
18 Environmental Quality appointed by that commission; and

19 (6) one member representing the Texas Water
20 Development Board appointed by that board.

21 (c) Of the members appointed under Subdivision (1),
22 Subsection (b) of this section:

23 (1) one member must represent municipalities using
24 groundwater;

25 (2) one member must represent agricultural users of
26 groundwater;

27 (3) one member must represent industrial users of

1 groundwater;

2 (4) one member must represent groundwater
3 conservation districts; and

4 (5) one member must represent owners of land that
5 overlies producible groundwater.

6 (d) Of the members appointed under Subdivision (2),
7 Subsection (b) of this section:

8 (1) one member must represent municipalities using
9 groundwater;

10 (2) one member must represent agricultural users of
11 groundwater;

12 (3) one member must represent industrial users of
13 groundwater;

14 (4) one member must represent groundwater
15 conservation districts; and

16 (5) one member must represent owners of land that
17 overlies producible groundwater.

18 (e) The groundwater management district consolidation
19 stakeholders committee may appoint a technical advisory committee
20 of up to nine members to assist the stakeholders committee in
21 addressing the technical aspects of the issues to be studied.

22 (f) For each groundwater management area, the groundwater
23 management district consolidation stakeholders committee shall
24 address the following issues:

25 (1) the appropriate management goals for groundwater
26 in the groundwater management area;

27 (2) the appropriate science to use to determine the

1 availability of groundwater in the groundwater management area;

2 (3) the well permitting strategy of each groundwater
3 conservation district in the groundwater management area;

4 (4) the effect of each well permitting strategy used
5 in the groundwater management area on landowners in the groundwater
6 management area;

7 (5) the effect of each well permitting strategy used
8 in the groundwater management area on users of water produced from
9 land in the groundwater management area;

10 (6) the effectiveness of each well permitting strategy
11 used in the groundwater management area in meeting the management
12 goals of the groundwater management area;

13 (7) whether the differences in well permitting
14 strategies used in the groundwater management area are justified by
15 differences in groundwater resources in the groundwater management
16 area; and

17 (8) whether the public interest would be advanced by
18 the consolidation of one or more groundwater conservation districts
19 with other groundwater conservation districts in the groundwater
20 management area.

21 (g) Not later than December 1, 2006, the groundwater
22 management district consolidation stakeholders committee shall
23 report the results of its study of the issues described by
24 Subsection (f) of this section to the governor, lieutenant
25 governor, speaker of the house of representatives, and presiding
26 officer of each standing committee of the senate and house of
27 representatives having jurisdiction over groundwater issues.

1 SECTION 39. The lieutenant governor and the governor shall
2 make appointments to the School Land Board under Section 32.012,
3 Natural Resources Code, as amended by this Act, as soon as possible
4 after the effective date of this Act. Each member's term expires
5 August 31, 2007.

6 SECTION 40. This Act takes effect September 1, 2005.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 3, 2005

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1451 by Averitt (Relating to the management of groundwater.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill would amend the Water Code to require the Texas Commission on Environmental Quality to add each state senator and state representative who represents a part of an area proposed for designation as a priority groundwater management area to the list of those to whom the agency provides written notice of a hearing. In addition, the bill would make administrative changes to the operations of a groundwater conservation district.

The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DLBa

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 18, 2005

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1451 by Averitt (Relating to the management of groundwater resources in the state.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Water Code to require the Texas Commission on Environmental Quality to add each state senator and state representative who represents a part of an area proposed for designation as a priority groundwater management area to the list of those to whom the agency provides written notice of a hearing. In addition, the bill would make administrative changes to the operations of a groundwater conservation district.

The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DLBa

S.B. No. 1451

By Averitt

A BILL TO BE ENTITLED

AN ACT: relating to the management of groundwater resources in the state.

MAR 10 2005

Filed with the Secretary of the Senate

MAR 21 2005

Read and referred to Committee on NATURAL RESOURCES

Reported favorably _____

MAY 03 2005

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

MAY 12 2005

Senate and Constitutional Rules to permit consideration suspended by:

BY A VIVA VOCE VOTE

~~unanimous consent~~

____ yeas, ____ nays

MAY 12 2005

Read second time, Amended, and ordered engrossed by:

~~unanimous consent~~

a viva voce vote

____ yeas, ____ nays

MAY 12 2005

Senate and Constitutional 3 Day Rule suspended by a vote of 27 yeas, 4 nays.

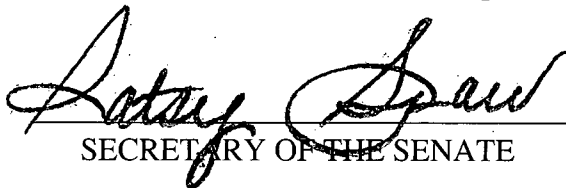
MAY 12 2005

Read third time, _____, and passed by:

A viva voce vote

28 yeas, 3 nays

AMEND CAPTION TO CONFORM
TO THE BODY OF THE BILL


SECRETARY OF THE SENATE

OTHER ACTION:

May 12, 2005

Engrossed

May 13, 2005

Sent to House

Engrossing Clerk



MAY 13 2005

Received from the Senate

MAY 17 2005

Read first time and referred to Committee on Natural Resources

Reported ____ favorably (as amended) (as substituted)

Sent to Committee on (Calendars) (Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of ____ yeas, ____ nays, ____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of ____ yeas, ____ nays, ____ present, not voting.

Read third time (amended); finally passed (failed to pass) by a (non-record vote) (record vote of ____ yeas, ____ nays, ____ present, not voting)

Returned to Senate.

Returned from House without amendment.

Returned from House with ____ amendments.

Concurred in House amendments by a viva voce vote ____ yeas, ____ nays.

CHIEF CLERK OF THE HOUSE

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays